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*Washington, Wednesday, May 27, 1942*

## *The President*

### EXECUTIVE ORDER 9172

#### ESTABLISHING A PANEL FOR THE CREATION OF EMERGENCY BOARDS FOR THE ADJUSTMENT OF RAILWAY LABOR DISPUTES

WHEREAS, Section 5 of the Railway Labor Act, as amended (Ch. 8, title 45, U.S.C.) provides that for a period of thirty days after mediatory efforts of the National Mediation Board have failed to settle a dispute "no change shall be made in the rates of pay, rules, or working conditions or established practices in effect prior to the time the dispute arose"; and

WHEREAS, duly designated and authorized representatives of employees may, during this thirty day period, take a strike vote and fix a date for the strike to become effective; and

WHEREAS, Section 10 of the said Railway Labor Act requires the National Mediation Board to notify the President if an unadjusted dispute threatens, in its judgment, substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, and provides that upon receipt of such notification the President may, in his discretion, create a board to investigate and report respecting such dispute; and

WHEREAS, the national interest demands that for the effective prosecution of the war there shall be no strike votes taken, or dates fixed for the beginning of strikes, or strikes, lock-outs, or embargoes put into effect, which would affect the transportation industry covered by the Railway Labor Act.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the Statutes of the United States, and in order to adjust the policies and procedures under the said Act to the requirements of the war emergency, it is hereby ordered as follows:

1. There is hereby created, for the duration of the war and six months thereafter, a National Railway Labor Panel of nine members, hereinafter referred to

as the Panel, to be appointed by the President, and to be qualified as to membership thereon in the same manner as provided in Section 10 of the Railway Labor Act for membership on emergency boards. The President shall designate a chairman from the members of the Panel and shall fill vacancies thereon as they may occur. The Chairman of the Panel shall receive such compensation, together with necessary travelling expenses, as the President may prescribe. The members of the Panel shall receive necessary travel expenses and subsistence expenses or per diem allowances in lieu thereof on such days as they are actually engaged in performance of duties pursuant to this Order.

2. Whenever a dispute between a carrier or carriers and its or their employees concerning changes in rates of pay, rules, or working conditions, or whenever any other dispute not referable to the National Railroad Adjustment Board, is not adjusted or settled under the provisions of Sections 5, 6, 7, 8, and 9 of the Railway Labor Act, the duly designated and authorized representatives of employees involved in such dispute may, prior to notice by the National Mediation Board to the President of a threatened interruption to commerce, notify the Chairman of the Panel of the failure of the parties to adjust the dispute and of their desire to avoid the taking of a strike vote and the setting of a strike date. If, in the judgment of the Chairman of the Panel, the dispute is such that if unadjusted, even in the absence of a strike vote, it may interfere with the prosecution of the war, he may thereupon select three members of the Panel to serve as an emergency board to investigate such dispute and to report thereon to the President. Subject to the provisions of Section 10, such board shall have exclusive and final jurisdiction of the dispute and shall make every reasonable effort to settle such dispute.

3. The National Mediation Board shall furnish the Panel stenographic, investigative, and such other facilities as may be necessary; and within the limits of the funds provided, and upon the certification of the Chairman of the Panel,

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shall make such other disbursements as are necessary to effectuate this Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
May 22, 1942

[F. R. Doc. 42-4816; Filed, May 25, 1942; 2:37 p. m.]

#### EXECUTIVE ORDER 9173

TRANSFERRING THE CONTROL AND JURISDICTION OVER CERTAIN PROPERTY LOCATED AT JUNEAU, ALASKA, FROM THE DEPARTMENT OF THE INTERIOR TO THE NAVY DEPARTMENT

#### ALASKA

By virtue of and pursuant to the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the Government dock and approach thereto located at Juneau, Alaska, and described more particularly below, be, and they are hereby, transferred from the control and jurisdiction of the Secretary of the Interior to the control and jurisdiction of the Secretary of the Navy for use of the United States Coast Guard:

Beginning at a point 30.5 feet from the intersection of the southerly line of the Willoughby Avenue pavement with the stub concrete pavement approach to Femmer's Dock, thence N. 46°36' W. 20 feet along the southerly limit of the pavement of Willoughby Avenue, thence S. 41°17' W. 454.1 feet, thence S. 23°20' E. 193.8 feet, thence S. 66°40' W. 372 feet, thence S. 23°20' E. 40 feet, thence N. 66°40' E. 392 feet, thence N. 23°20' W. 126.1 feet, thence N. 8°53' W. 48.9 feet, thence N. 26°20' E. 48.9 feet, thence N. 41°17' E. 385.7 feet to the point of beginning.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
May 23, 1942.

[F. R. Doc. 42-4815; Filed, May 25, 1942; 2:37 p. m.]

#### Regulations

#### TITLE 10—ARMY: WAR DEPARTMENT

##### Chapter VII—Personnel

##### PART 79a—ARMY SPECIALIST CORPS<sup>1</sup>

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AUTHORITY: §§ 79a.1 to 79a.45, inclusive, issued under authority contained in R.S. 101; 5 U.S.C. 22.

###### General

§ 79a.1 *Establishment.* Pursuant to Executive Order No. 9078, February 20,

<sup>1</sup>The regulations contained in §§ 79a.1 to 79a.45, inclusive, are also contained in Army Specialist Corps Regulations (tentative) dated March 24, 1942, as amended by C-1, April 28, 1942, and C-2, May 1, 1942, the particular paragraphs being shown in brackets at the end of sections.



1942 (sec. II, Bull. No. 11, W.D., 1942), the Army Specialist Corps is established for the purpose of obtaining the temporary services of certain qualified civilians for the War Department. The Corps will consist of such number of professional, scientific, technical, and administrative personnel as may be determined by the Secretary of War, whose appointments, unless sooner terminated, have been authorized by him for the duration of the war and for 6 months thereafter. [Par. 1]

§ 79a.2 *General.* The regulations in this part for the administration of the Army Specialist Corps, hereinafter referred to as the "Corps," are published for the information and guidance of all concerned. [Par. 2]

§ 79a.3 *Objectives.* The objectives of the Corps are:

(a) To bring under the control of the Secretary of War and to assign to the arms, services, and other agencies of the War Department individuals of professional, technical, scientific, administrative, and managerial qualifications, and individuals to perform work incidental, subordinate, or preparatory to the work required of those occupying such professional, technical, scientific, administrative and managerial positions, and also to perform work in an artisan capacity as part of a trade or manual skill occupation. Examples of such positions are—

Administration.  
Purchasing, procurement, and supply.  
Personnel managers.  
Public relations.  
Fiscal and clerical administration.  
Appraising.  
Mechanical tabulation.  
Textile industry.  
Engineering, all classes: Architectural, aviation, business, camouflage, chemical, civil, construction, explosives, lighting, mining, mechanical, traffic, and others.  
Physics and natural sciences.  
Electronics.  
Meteorology.  
Navigation.  
Medical science.  
Biology.  
Law.  
Statistics.  
Writing on military or defense subjects.  
Library administration.  
Aviation, including aviators.  
Photography.  
Drafting.  
Inspections.  
Laboratory operation.  
Motion pictures.  
Mechanical and building trades.  
Machine shop builders and operators.  
Road building.  
Exploitation and restoration of oil fields.  
Rehabilitation of oil refineries.  
Control of transportation and traffic, rail, motor, air, and water.  
Railroad operation.  
Control of communications.  
Ship loading.  
Morale activities.  
Aircraft warning.  
Blackout and other air raid precaution.  
And kindred subjects.

(b) To utilize the services, as members of the Corps, on a part-time basis, of individuals having professional, technical, scientific, administrative, and managerial qualifications.

(c) To utilize the services within the District of Columbia on a temporary or

part-time basis as consultants of such professional, technical, scientific, administrative and managerial experts as the Director General may authorize.

(d) To utilize individuals having professional, technical, scientific, administrative, and managerial qualifications in order to relieve military personnel for command and combat duties.

(e) To enable the War Department to use the services of persons who are not eligible for active military service through age or physical disability.

(f) To train such persons whose educational background qualifies them to receive technical training in such scientific or professional field wherein the demand for trained personnel exceeds the supply. [Par. 3]

§ 79a.4 *Executive organization.* (a) The administrative head of the Corps will have the title of "Director General, Army Specialist Corps." He will have the relative rank of a major general. He will be assisted by such deputy directors, one of whom may act as executive, as may be required. Deputy directors will have the relative rank of brigadier general. Other assistants will be in grades below that of deputy director, Army Specialist Corps, as required.

(b) There may be a representative of the Corps of suitable grade on the staff of the commander of each corps area, department, defense and field command, as determined by the Director General. [Par. 4]

§ 79a.5 *Rights and privileges.* (a) All members of the Corps will be subject to these regulations and to such regulations relating to the Corps as may hereafter be prescribed by the Secretary of War.

(b) Any person occupying a Government position other than a temporary one may, with the consent of the head of the department or establishment in which he is employed, be transferred or appointed to a position in the Corps, and will during the period of employment therein be deemed to be on leave of absence without pay from such position. Upon application within 40 days after termination of service in the Corps, he will be restored to his former position or to a position of like seniority, status, and pay, without loss of seniority, retirement benefits, or other benefits.

(c) Individuals appointed to positions in the Corps will not thereby acquire a classified Civil Service status. [Par. 5]

#### *Procurement and Administration*

§ 79a.6 *Procurement objectives and personnel requisitions.* (a) The War Department will establish procurement objectives for the arms and services and other agencies who may in turn suballot quotas for corps areas, departments, and other field commands in accordance with the requests of the commanders thereof. Such requests will be submitted to respective arm and service chiefs or agencies direct.

(b) Chiefs of arms and services and other agencies of the War Department desiring Corps personnel will submit requests against established procurement objectives to the Director General, stating number and job, description of per-

sonnel desired, using, if practicable, terminology of the dictionary of occupational titles (United States Employment Code) or similar description in lieu thereof. [Par. 6]

§ 79a.7 *Procedure prior to appointment.* (a) Only citizens of the United States will be appointed members of the Corps.

(b) All members of the Corps will be required to pass the physical examination prescribed for the Corps prior to appointment. The Secretary of War may grant waivers, provided it has been ascertained that physical defects will not prevent the individual from performing his duties in a satisfactory manner.

(c) Individual qualifications for initial appointment will be based upon the education, training, and experience of the individual in related fields of effort and his general fitness to fill the position. Prior to appointment the following procedure will be followed:

(1) When practicable, the applicant will be interviewed to determine his qualifications.

(2) When deemed unnecessary, impracticable, or in the interest of expeditious action, the interview may be dispensed with. However, prior to appointment, the applicant will be instructed to report to a suitable medical station near his home in order to take the prescribed physical examination.

(d) Applicant's appearance for interview and physical examination will be without expense to the Government. [Par. 7]

§ 79a.8 *Appointments.* (a) Appointments will be made by the Secretary of War upon the recommendation of the War Department agency concerned, the War Department Personnel Board, and the Director General of the Corps except that appointments at a rate of pay in excess of \$4,500 per annum must, by law, be made by the President, by and with the advice and consent of the Senate.

(b) Letters of appointment will be issued by The Adjutant General. At that time the members will be assigned a serial number with the prefix "S."

(c) Upon appointment, each applicant will be so informed by letter which will be accompanied by oath of office, and, if practicable, with initial orders to duty and station. Oath of office will be completed immediately and transmitted to The Adjutant General without delay. The execution and return of the required oath of office constitute an acceptance of the appointment.

(d) Appointments unless sooner terminated will be for the duration of the present war and for 6 months after the termination thereof. Temporary appointments may be made for any lesser period.

(e) All original appointments will be made at the minimum salary rate of the respective grades. Transfers or appointments from other departments of the Government may be made at employee's existing salary, at the discretion of the Director General, subject to the provisions of paragraph 1, Executive Order No. 9078, February 26, 1942.



(f) No appointment will be made unless an actual need for services of the type to be rendered by the appointee then exists.

(g) Consultants may be employed within the District of Columbia by the Director General on a part-time basis but will not be appointed in the Corps and will be hired by contract at such rates of compensation as may be determined by the Secretary of War. [Par. 8]

§ 79a.9 *Army officers appointed direct from civil life.* Officers of the Army of the United States who were appointed direct from civil life as a result of their professional, scientific, or technical ability, may, upon being discharged from the Army of the United States for the convenience of the Government, be appointed in an appropriate grade in the Corps. [Par. 9]

§ 79a.10 *Appointment of certain civilian employees in theaters of operations.* Civilian employees in theaters of operation whose employment it is desired to continue in a uniformed capacity may, at the discretion of the Secretary of War in each case, be appointed in the Corps. The grade in which the appointment is made will be determined by the qualifications of the individual and the duties to be performed, in accordance with § 79a.11. If practicable, persons so appointed in the Corps will continue to be paid from the same appropriation and at the same rate as before appointment. [Par. 10]

§ 79a.11 *Grades, classification, and rates of pay.* (a) For purposes of determining grade and pay of positions in the Corps, all positions will be allocated into four classification services, as follows:

- (1) Professional-scientific service.
- (2) Subprofessional service.
- (3) Clerical, administrative, and fiscal service.
- (4) Mechanical and technical service.

(b) The allocation of positions in the Corps, both as to service and grade, will be in accordance with the provisions of the Classification Act of 1923, as amended, where the positions are parallel to positions in the civilian classified civil service, which are subject to the act, and as indicated in paragraphs (d), (f), and (g) of this section.

(c) The pay of persons appointed to positions in the Corps will be as follows:

(1) In accordance with the pay scale set forth in section 13 of the Classification Act of 1923, as amended, for positions the allocation of which is made under the services and grades provided for by the act.

(2) In accordance with the pay scales established under the provisions of other existing laws, for positions the allocation of which is made under the specified mechanical and technical service or such other allocation service as may be prescribed.

(d) To provide for the orderly allocation of positions in the Corps which are beyond the scope of the provisions of the Classification Act of 1923, as amended, the following service is provided:

(1) *Mechanical and technical service.* The mechanical and technical service

will include all classes of positions the duties of which are to perform work in an artisan capacity, whether of a subordinate or supervisory rank, which is a part of a trade or manual-skill occupation engaged in for the construction, manufacture, repair, maintenance, and protection of property, equipment, supplies, and buildings or for the transportation of persons, property, equipment, and supplies. Grades and descriptions of this service are as follows:

(i) *Grade 1* will include all classes of positions the duties of which are to assist as an apprentice or helper or to perform work as a learner, in a capacity subordinate to an employee in the next higher grade.

(ii) *Grade 2* will include all classes of positions the duties of which are of journeyman rank and require a full knowledge of the trade or occupation embracing the position and which may include supervision over not more than two individuals in grade 1.

(iii) *Grade 3* will include all classes of positions the duties of which are of the master rank and require a thorough and complete knowledge of all tools, processes, and materials commonly associated with the trade or occupation and the ability to perform capably and fully any task which is susceptible of performance within the limits of the trade or occupation.

(iv) *Grade 4* will include all classes of positions the duties of which are to:

(a) Perform tasks primarily within a trade or occupation but which also require the application of ingenuity and the application of the tools, processes, and materials of other related or allied trades or occupation.

(b) Supervise a group of subordinate workers in the trade or occupation and to be responsible for the performance in accordance with acceptable trade standards of all work of the subordinates.

(v) *Grade 5* will include all classes of positions the duties of which are to supervise a group of subordinate workers in two or more related trades or occupations in one of which the supervisor will be proficient.

(e) There will be two classes of personnel who will have relative rank with officers and enlisted men of the Army, as follows:

- (1) Officers.
- (2) Specialists.

(f) Titles and rates of pay for the officers are as follows:

Title	Classification Act of 1923		Rate of pay	
			Mini- mum	Maxi- mum
Director General.....	P-8	CAF-15	\$8,000	\$9,000
Deputy Director.....	P-8	CAF-15	8,000	9,000
Colonel.....	P-7	CAF-14	6,500	7,500
Lieutenant colonel.....	P-6	CAF-13	5,600	6,400
Major.....	P-5	CAF-12	4,600	5,400
Captain.....	P-4	CAF-11	3,800	4,600
		CAF-10	3,500	4,100
First lieutenant.....	P-3	CAF-9	3,200	3,800
Second lieutenant.....		CAF-8	2,900	3,500
	P-2	CAF-7	2,600	3,200

NOTE: Rates of pay listed above are subject to increases through payment of salary differentials such as may be in effect for certain geographic areas.

(g) Titles and rates of pay for the specialists are as follows:

Title	Classification Act of 1923		Rate of pay	
			Min- imum	Maxi- mum
Specialist, 1st class (master sergeant).....	-----	CAF-8	\$2,000	\$3,500
Specialist, 2d class (technical sergeant).....	SP-8	CAF-7	2,000	3,200
Specialist, 3d class (staff sergeant).....	SP-7	CAF-6	2,300	2,900
Specialist, 4th class (sergeant).....	SP-6	CAF-5	2,000	2,600
Specialist, 5th class (Corporal).....	SP-5	CAF-4	1,800	2,100
<i>Special class</i>				
Specialist, 1st class (master sergeant).....	MT-5	-----	(1)	(1)
Specialist, 2d class (technical sergeant).....	MT-4	-----	(1)	(1)
Specialist, 3d class (staff sergeant).....	MT-3	-----	(1) o	(1)
Specialist, 4th class (sergeant).....	MT-2	-----	(1)	(1)
Specialist, 5th class (Corporal).....	MT-1	-----	(1)	(1)

<sup>1</sup> Salary under each of these classifications will be equivalent to the prevailing rate of wages to United States citizen artisans, mechanics, or technicians performing the same class of work and at the same level of difficulty and responsibility as that performed by the member of the Corps.

NOTE.—Rates of pay listed above are subject to increases through payment of salary differentials such as may be in effect for certain geographic areas.

[Par. 11]

§ 79a.12 *Promotions.* (a) Members of the Corps will be promoted from one grade to a higher grade, in accordance with the grade and pay schedule for the duties performed, by the Director General upon his own motion or upon the recommendation of the chiefs of arms or services, or other agencies. Such promotions will be made solely on the basis of merit and the needs of the service and will ordinarily be made to the next higher grade only. See also § 79a.8(a).

(b) Within-grade promotions to the next higher rate within the salary range of the grade will be made by the Director General in the same manner as provided by section 7 of the Classification Act of 1923 (42 Stat. 1490; 5 U.S.C. 667), as amended by the act of August 1, 1941 (Public Law 200, 77th Cong.; sec. 1, Bull. No. 24, W.D., 1941), and the regulations issued pursuant thereto (E.O. 8882, Sept. 3, 1941; (sec. II, Bull. No. 31, W.D., 1941).) See also § 79a.8(a). [Par. 14]

§ 79a.13 *Separations.* (a) Discharges will be made by the Secretary of War on the recommendation of the Director General.

(b) Causes for discharge will be as follows:

- (1) Disciplinary reasons.
- (2) Mental or physical disability.
- (3) Inefficiency.
- (4) Desertion.
- (5) Upon termination of duties for which specifically appointed.
- (6) In special cases as authorized by the Secretary of War.

(c) Procedure for discharge for disciplinary reasons will be as hereinafter prescribed.

(d) Each request for discharge, other than for disciplinary reasons will be transmitted through channels to the Director General with detailed report of circumstances. In proper cases, individ-



als concerned will be given opportunity to submit a written statement to accompany request.

(e) Resignations will be accepted upon approval of the Director General.

(f) At time of separation from the Corps, letters of discharge will be issued. In the event such separation is under other than honorable conditions the letter of discharge will so state. [Par. 15]

§ 79a.14 *Leaves of absence.* (a) The members of the Corps are entitled to the same leaves of absence, including sick leave, as are provided for other civilian employees of the Government by the acts of March 14, 1936 (49 Stat. 1161; 49 Stat. 1162), as amended by the act of March 2, 1940 (54 Stat. 38), and any regulations prescribed pursuant thereto.

(b) Leaves of absence without pay may be granted for any period by the Director General. [Par. 16]

§ 79a.15 *Bonding of members.* Members of the Corps whose duties will require them to receive or disburse public funds will, before entering upon such duty, give bond to the United States, with good and sufficient security, to be approved by the Secretary of War, in such sum as he may direct, faithfully to account for all public moneys and property which they may receive. Members whose duties will require them to receive or disburse funds of post exchanges or similar Government agencies will likewise give bond to such post exchange or agency, the cost thereof to be paid out of funds of such post exchange or agency. [Par. 17]

§ 79a.16 *Command functions.* (a) Members of the Corps will exercise administrative and supervisory functions only. They will not be placed in positions which will require the exercise of command functions insofar as Army officers or enlisted men are concerned except that when Army personnel are assigned to duty in any capacity at a training school, arsenal, or other activity operated by officers of the Corps, they will be subject to the orders of the officers of the Corps on duty at such activity to the same extent and in the same manner as though they were members of the Corps. Officers and specialists of the Corps will exercise normal and appropriate command functions within the Corps.

(b) Officers and specialists of the Corps will be directly responsible to the Army commander of the organization, command, or activity under whose jurisdiction they are functioning. This will be interpreted to mean that, even though the officer or specialist of the Corps is senior in relative grade to the responsible Army commander, he will nevertheless function under the direct command of the latter. [Par. 18]

§ 79a.17 *Precedence.* (a) Officers of the same grade in the Corps will have precedence among themselves according to the dates of their appointment and if appointed on the same date, according to age. Officers of the Corps will rank with officers of the Army of the United States of corresponding grade

according to dates of appointment and such officers appointed on the same date will take precedence according to age.

(b) Specialists will have relative rank with enlisted men in the Army, that is, a specialist, 1st class, in the Corps will rank with enlisted grade 1 (master sergeant) in the Army. Specialists in the Corps will have precedence among themselves according to the dates of their appointment and if appointed on the same date, according to age. Specialists will take precedence with enlisted men of the Army of the United States of corresponding grades according to dates of appointment and enlisted men and specialists appointed on the same date will take precedence according to age. [Par. 19]

§ 79a.18 *Customs of the service.* The normal courtesies, respects, and obligations now in practice between officers and enlisted men of the Army will be recognized and practiced between officers and specialists of the Corps, except that salutes between members of the Corps or between members of the Army and members of the Corps are not required. [Par. 20]

§ 79a.19 *Discipline.* (a) All members of the Corps are expected and required to maintain a standard of discipline approximating military discipline and to refrain from conduct to the prejudice of good order and discipline, or of a nature to bring discredit upon the Corps, or from the commission of any infraction of the civil law, or from any violation of the Articles of War, when subject thereto.

(b) Reference may be made to the Articles of War, so far as applicable, in determining the degree of seriousness of an offense. It is not mandatory that minor infractions of discipline be followed by punitive action and administrative admonition or reprimand may on occasion be the appropriate corrective procedure.

(c) Members of the Corps, if accompanying or serving with the armies of the United States in the field in time of war, both within and without the territorial jurisdiction of the United States, are persons subject to military law, as prescribed in the second Article of War, and are therefore under such conditions subject to the rules and Articles of War for the government of the Army. However, although subject to the Articles of War, members of the Corps at all times remain subject to the punitive provisions of the regulations in this part and the military commander may apply the provisions thereof, in preference to the provisions of the Articles of War, in his discretion.

(d) (1) When not accompanying or serving with the armies of the United States in the field in time of war, the punishments which may be imposed on members of the Corps, either singly or in appropriate combinations, are as follows:

(i) *For officers.*

(a) Admonition by the Director General.

(b) Reprimand by the Director General.

(c) Suspension from duty and pay for a period to be set by the Director General.

(d) Discharge under other than honorable conditions.

(e) Admonition by the military or other commander.

(f) Reprimand by the military or other commander.

(ii) *For specialists.* As prescribed in (i) (c), (d), (e), and (f), above.

(2) The following punishments will not be imposed:

(i) Confinement.

(ii) Forfeiture of pay.

(iii) Withholding of pay.

(3) In the case of officers of the Corps, offenses which the military commander does not believe warrant more severe punishment than is provided in subparagraph (1) (i) (e) or (f) of this paragraph may be brought to trial before a board of three officers, at least one of whom if available will be a member of the Corps, appointed by the military commander, and such board by two-thirds secret ballot may adjudge either or both of the punishments prescribed in subparagraph (1) (i) (e) or (f) of this paragraph but no other punishment, and its findings and sentence will be subject to the approval of the convening authority whose decision will be final and not appealable.

(4) In the case of specialists of the Corps, offenses which the military commander does not believe warrant more severe punishment than is provided in subparagraph (1) (i) (e) or (f) of this paragraph may be brought to trial before an officer of the Army or of the Corps appointed by the military commander. The punishment in such cases will be limited to either of the punishments mentioned. The trial in such case will in general be conducted in the manner of a summary court martial, and the findings and sentence will be subject to the approval of the appointing authority whose decision will be final and not appealable.

(5) In the case of offenses by any member of the Corps which, in the opinion of the military commander, warrant more serious punishment than is prescribed in either subparagraphs (3) or (4) of this paragraph, the military commander will convene a board or not less than five officers, at least one of whom if available will be a member of the Corps, with a recorder without vote. The trial in such case will in general be conducted in the manner of a general court martial and the recorder will perform the duties, so far as applicable, of a trial judge advocate of a general court martial. The findings and sentence will be subject to the approval of the convening authority. If the convening authority approves the findings and sentence or any part thereof involving a punishment other than the punishments prescribed in subparagraph (1) (i) (e) and (f) of this paragraph, he will notify the accused in writing, directing him to report in writing within 5 days of the receipt of such notice whether or not he accepts the action of the convening authority



on the findings and sentence. The action of the convening authority on the punishments prescribed in subparagraph (1) (i) (e) and (f) of this paragraph will be final and not appealable, unless an appeal lies because of the imposition of a punishment in addition to either of the punishments mentioned. If the accused accepts the action of the military commander on punishments other than those prescribed in subparagraph (1) (i) (e) and (f) of this paragraph the action of the military commander will be final. If the accused declines to accept the action of the military commander, the latter will forward the record of trial, with his action thereon, to the corps area, department, or other superior military commander. If such superior military commander approves any part of the sentence adjudged he will forward the record of trial, with his action thereon, to The Adjutant General, who will transmit all papers to the Director General, to be laid before the Secretary of War for his direction thereon.

(6) Any officer to whom an appeal is authorized may take any of the following actions:

(i) Approve the decision reached and punishment adjudged.

(ii) Disapprove the decision and exonerate the accused.

(iii) Approve the decision but mitigate any part of the punishment adjudged.

(7) In any hearing the accused will be informed of the allegations against him and of his right to be represented by counsel of his own selection from available officers of the Army or Corps. Civilian counsel will not be furnished at Government expense. The accused will have the following rights:

(i) To challenge any member of a board but only for cause.

(ii) To question any witness for or against him.

(iii) To present any reasonably available witness.

(iv) To present any reasonably available documentary or physical evidence which may be deemed material to the issue.

(v) To introduce evidence by deposition, but no hearing will be deferred or postponed to procure a deposition unless so directed by the convening authority whose decision thereon will be final.

(vi) To make any statement in his own behalf, either personally or through counsel.

(vii) A board will also explain to an accused the meaning and effect of a plea of guilty (if he announces his intention so to plead), his right to introduce evidence after such plea; his right to testify or to remain silent; his right to make a statement; his right to introduce evidence in extenuation, and, in a proper case, his right to plead the statute of limitations.

(e) (1) Members of a board, the recorder, witnesses, reporters, and interpreters will take an oath or affirmation, as follows:

(i) *Members.*

You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor or affection, according to the provisions of the regulations for the government of the Army Specialist Corps, and if any doubt should arise, not explained by said regulations, then according to your conscience, the best of your understanding, and the custom of war in like cases. So help you God.

(ii) *Recorder.*

You, A. B., do swear (or affirm) that you will faithfully and impartially perform the duties of recorder of this board, to the best of your ability. So help you God.

(iii) *Witnesses, reporters, and interpreters.* The oath will be the same as is found in the 19th Article of War (substituting "board" for "court").

(2) Compensation or fees for witnesses, reporters, or interpreters are not authorized under these regulations.

(3) The findings and sentence of a board will be reached in closed session, following the procedure of general or special courts martial, and will be announced openly to the accused. A finding of guilty will require a two-third vote of all members present at the time the vote is taken and the sentence will likewise require a two-thirds vote of all members so present.

(f) (1) The officer or board of officers conducting a hearing will keep a record showing the date thereof, the date, place, and nature of the alleged offense, a brief résumé of the evidence considered, the decision adjudged, and punishment imposed. In cases in which the punishment includes any punishment permissible under paragraph (d) (1) (i) (a), (b), (c), or (d) of this section, the record will be in duplicate, and will include a brief summary of the statement of each material witness.

(2) In cases in which a duplicate record is required by subparagraph (1) above, the duplicate will be retained at the headquarters of the military commander who convened the board and the original, in case of appeal, will be forwarded within 48 hours of the notice of appeal, from the accused (as provided in paragraph (d) (5) of this section) to the corps area, department, or other superior military commander. In case there is no appeal the original will be forwarded directly to The Adjutant General, who will transmit the same to the Director General for his information and return for file.

(g) In case of members of the Corps on duty in the office of the Director General or directly under his command, the Director General will designate the officer or board to hear charges and the proceedings in such case will be directly transmitted to him by the officer or board for his recommendation thereon, as above provided.

(h) Members of the Corps officially charged with violating criminal statutes

will be delivered to the appropriate municipal (including county and State) or Federal authorities, upon the request of such authorities. When subject to the Articles of War alleged offenders shall be delivered to the civil authorities, provided such delivery is consistent with the 74th Article of War and the policy of the War Department, as set forth in section II, Circular No. 2, War Department, 1942. [Par. 21]

§ 79a.20 *Awards.* The Secretary of War, upon the recommendation of the Director General, may recognize exceptionally meritorious service in the Corps by issuing to the person performing such service any decoration authorized by law or a letter of commendation. [Par. 22]

§ 79a.21 *Arms.* Members of the Corps will not be issued arms or ammunition. [Par. 23]

§ 79a.22 *Means of identification.* (a) Each member of the Corps will be provided with an identification card, as soon after he reports for duty as is practicable, which he will carry on his person at all times. Cards will be furnished by the War Department to commanders of corps areas, departments, or defense commands for issue to members.

(b) Each member will likewise be provided with identification tags similar to those issued to military personnel. [Par. 24]

§ 79a.23 *Insurance.* National Service Life Insurance (Government Insurance) is not available to members of the Corps. [Par. 25]

§ 79a.24 *Death or injury in service.* (a) Compensation in connection with death or injury in service is covered by the provisions of the Employees' Compensation Act of September 7, 1916, as amended, and regulations of the United States Employees' Compensation Commission thereunder, members of the Corps being subject to the provisions thereof.

(b) Immediately after an injury to a member of the Corps resulting in his death or in his probable disability, his immediate superior, military or otherwise, will make a report to the United States Employees' Compensation Commission, containing such information as the Commission may require, and will thereafter make such supplementary reports as the Commission may require, pursuant to the provisions of section 24, act of September 7, 1916 (39 Stat. 747; 5 U. S. C. 774). The foregoing report will be made on Form CA 2-C, which should be stamped to delete the words "Civilian Conservation Corps" and substitute the words "Army Specialist Corps." [Par. 26]

§ 79a.25 *Notification of death.* (a) Upon the death at a post, camp, or station, or on board an Army transport on the high seas, of any member of the Corps, the surgeon of the command or of the transport will immediately notify the military commander of the post, camp, station, or transport, and the deceased's immediate military commander of the death.

(b) The notification of death by the surgeon will include the following information:



- (1) Full name of the decedent.
- (2) Serial number.
- (3) Grade.
- (4) Date, place, and cause of death.
- (5) Whether death was or was not result of deceased's own misconduct.

(c) When cause of death is undetermined, that fact will be stated on the notification of death by the surgeon, but when finally determined by autopsy or other means, a supplementary report will be made.

(d) In case of the death of a member of the Corps under circumstances which appear to require investigation, the military commander will convene a board of officers, at least one of whom will be a medical officer, and at least one of whom will be an officer of the Corps, when available, to investigate the circumstances and report the facts leading up to and connected with the death. The findings of the board will include a statement embodying:

- (1) Date, place, and cause of death (or approximate date or probable cause of death, when the actual date, place, and cause of death are not known and cannot be determined).
- (2) Manner or circumstances under which death occurred.
- (3) Whether death occurred in the performance of duty.
- (4) Whether death was or was not the result of his own misconduct. [Pars. 27 and 28]

§ 79a.26 *Disposition of effects.* (a) Transportation as public expense will be provided for the baggage of members of the Corps who die in the service, from their last duty station to such places within the limits of the United States as may be the home of their families, or as may be designated by their legal representatives or executors pursuant to chapter XVIII, act of July 9, 1918 (40 Stat. 892; 10 U.S.C. 322).

(b) W. D. A. G. O. Form No. 54 (Inventory of Effects) will be prepared in triplicate in the case of every person whose effects are under the control of the military authorities.

(c) The effects of any deceased members of the Corps will be secured and disposed of as prescribed in the 112th Article of War, when applicable. [Par. 29]

#### *Transportation; Sales of Supplies, and Services; Burials*

§ 79a.27 *Travel.* (a) The travel of members of the Corps, traveling on official business of the Government, will be governed by the provisions of standardized Government travel regulations as applicable to civilian officials and employees. Travel from home to initial station will be at the expense of the individual. Travel for dependents is not authorized.

(b) The travel of members of the Corps on transfer from one official station to another will be governed by the provisions of law pertaining to civilian employees of the Government when making permanent change of station under competent orders. [Par. 30]

§ 79a.28 *Allowances for the transportation of household goods.* Payment of expenses authorized by an act entitled "An act to provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty," approved October 10, 1940 (54 Stat. 1105), will be allowed and paid to members of the Corps when such payment is specifically authorized by such administrative official of the War Department as the Secretary of War may designate, subject to approval of such authorization by the Secretary of War. Allowances for the transportation of household goods are not payable from home to initial station. [Par. 31]

§ 79a.29 *Sales of quartermaster supplies and services.* Members of the Corps will be accorded the same privileges as are accorded commissioned and enlisted personnel of the Army in making purchases of subsistence stores. Any articles of clothing or equipment prescribed for wear or use by the Corps, and available for sale by the Quartermaster Corps, may be purchased by members of the Corps in the same manner and under the same conditions as govern sales to the commissioned and enlisted personnel of the Army. [Par. 32]

§ 79a.30 *Burials.* Members of the Corps, as civilian employees of the War Department, are entitled to burial expenses and transportation of remains as provided in the acts of May 17, 1938 (52 Stat. 398), and July 8, 1940 (54 Stat. 743). These acts provide for the Government payment of burial expenses of civilians when in an actual travel status on official business or when on an actual duty status beyond the continental limits of the United States, or while accompanying troops in the field. [Par. 33]

#### *Fiscal Procedures and Transactions.*

§ 79a.31 *By whom paid.* Members of the Corps will be paid by the disbursing officer who regularly pays the command to which assigned. [Par. 34]

§ 79a.32 *Allowances—(a) Determination of value—(1) Subsistence.* (i) The reasonable value to members of the Corps of subsistence furnished them is hereby determined to be at the rate of \$300 per annum, or \$25 per month: *Provided*, That when the ration is furnished in kind the reasonable value is hereby determined to be at the rate of \$192 per annum except when messed with troops as provided in (ii) below; and in the case of subsistence furnished on transports its value is hereby determined to be: Saloon mess, at the rate of \$360 per annum; ship's officers' mess, at the rate of \$270 per annum; ship's petty officers', sailors', and firemen's mess, at the rate of \$192 per annum.

(ii) When members of the Corps are messed with troops, the rate of deductions will be the value of the garrison or field ration, as the case may be.

(2) *Quarters.* The reasonable value to members of the Corps of quarters fur-

nished them being considered equivalent to the value of the quarters which they would procure for themselves in the absence of the furnishing of quarters by the Government, it is hereby directed that the evaluation of quarters furnished such members will be determined after consideration of the cash rates of their compensation. The following valuations will be given houses or apartments furnished as quarters to such members whose cash rates of compensation fall within the range indicated.

Cash salary	Value	
	Per annum	Per month
\$750 or less	\$90	\$7.50
\$751 to \$1,400	120	10.00
\$1,401 to \$2,000	150	12.50
\$2,001 to \$2,500	200	16.67
\$2,501 to \$3,000	300	25.00
\$3,001 to \$5,000	400	33.33
\$5,001 or more	500	41.67

(3) *Quarters, heat, light, etc.* The following valuations will be given quarters, heat, light, household equipment, and laundry service, furnished on floating plant in dormitories, in tents, in construction camps, and on target ranges, etc., to members of the Corps whose cash rates of compensation fall within the ranges indicated:

Cash salary	Value	
	Per annum	Per month
\$750 or less	\$90	\$7.50
\$751 to \$1,400	120	10.00
\$1,401 to \$2,000	150	12.50
\$2,001 to \$2,500	200	16.67
\$2,501 to \$3,000	300	25.00
\$3,001 to \$5,000	400	33.33
\$5,001 or more	500	41.67

(b) *Allowances included in total compensation.* The reasonable value to the members of subsistence, quarters, and other allowances, determined in accordance with these regulations, is included in their total compensation, and deduction will be made on pay rolls from the total compensation of an amount equal to the determined reasonable value of the allowance furnished. Pay rolls will be prepared as prescribed for civilian employees of the War Department.

(c) *Heat, light, household equipment, etc.* No agreements will be made with members for the furnishing of heat, light, household equipment, or laundry services as allowances to such members as are quartered in houses or apartments as distinguished from construction camps, barracks, or dormitories. In those cases where local conditions require that the Government provide such services, the furnishing of such services will be treated as a purchase on the part of the employee and as a sale on the part of the Government. When such a purchase is made at a fair price, it is not an allowance in kind that is included in the rate of pay of the member.



(d) *Special cases.* If in special cases, it is found to be necessary or desirable in the interest of the service to deviate from the rates of deductions for allowances herein established, the Director General of the Corps will present the cases to the Secretary of War with recommendations.

(e) *Allowances furnished during absence without pay.* As a member granted leave without pay is not entitled to any compensation while he is in such status, the reasonable value as previously determined of any quarters and equipment that may be furnished such member during such period should be deducted from any amount otherwise due him or which may become due. Where the quarters are entirely vacated by the member during the period and they are available for other assignment, no deduction should be made for their value; but if such quarters are reserved for the member during his absence, deduction should be made as if the quarters were actually occupied by him. (5 Comp. Gen. 999.) [Par. 37]

§ 79a.33 *Allotments of pay*—(a) *Definition of allotment.* The word "allotment" as used herein refers to a definite portion of the pay of a member of the Corps on duty outside the continental limits of the United States, which is authorized to be paid to another person, or institution, in a manner prescribed by the Secretary of War. Allotments of pay are purely voluntary acts of the allotter; they carry no corresponding allowance or other obligation of the Government and require no administrative adjudication to become effective. They are revocable at the will of the allotter and vest no property right in the allottee unless and until they have been paid to the allottee. (See 10 Comp. Dec. 208; 2 Comp. Gen. 144.) Mere issuance of a check for the allotment does not constitute payment thereof. The allotment has not been paid until the check has been collected or negotiated by the payee. (See 16 Comp. Dec. 151; 24 id. 734)

(b) *Classifications.* Allotments made under the provisions of the regulations in this part are designated as "class E allotments."

(c) *How treated?* Class E allotments should be withheld from total pay due, and not treated as collections.

(d) *Purpose*—(1) *To individuals.* Allotments to individuals for the support of the allotter's families or dependent relatives may be made only while serving or about to serve outside the continental limits of the United States or in Alaska.

(2) *To banks.* Allotments to banks in the United States for the support of allotter's families or dependent relatives or for savings (including a checking account) may be made only while serving or about to serve outside the continental limits of the United States or in Alaska. Such allotments will be shown on W. D., A. G. O. Form No. 29 (Authorization for Allotment of Pay) to be for the support of the allotter's families or relatives or for their own savings in a bank (including a checking account) in the United States. Where the allotment is for support, the allotter's statement on W. D., A. G. O. Form No. 29 will show that deposit should be made to the credit of

Name	Relationship	Where
the allotment is for savings (including a checking account) deposit must be made to the credit of one individual only (allotments for deposit to joint accounts are not acceptable). No allotment for savings (including a checking account) will be made until after the allotter has made satisfactory arrangements with the bank for the acceptance of the allotment.		

(3) *To commercial life insurance companies.* (i) Allotments for the payment of commercial life insurance premiums may be made only while serving or about to serve outside the continental limits of the United States or in Alaska.

(ii) Application for insurance will not constitute authority for allotment of pay. No allotment for insurance premiums (class E) will be accepted unless it is affirmatively shown on the form authorizing the allotment that the insurance is on the life of the allotter only; that a policy therefor has been issued and the first premium paid thereon; that the insurance constitutes the major and not a merely incidental or collateral element of the transaction; and that the allotment is made in favor of the insurance company issuing the policy and not in favor of a bank or other agent.

(4) *When allotments may not be made.* (i) No allotter will be permitted to make an allotment to a person residing at the same station with the allotter.

(ii) No allotter will be permitted to make more than one allotment to the same allottee covering any portion of the same period.

(iii) No allotments of pay within the meaning of these regulations will be made, nor will they be payable to alien enemies, or allies of alien enemies. (See 27 Comp. Dec. 377)

(e) For procedure as to authorization, discontinuance, payment, etc., see AR 35-5520<sup>2</sup> and §§ 38.1 to 38.7, inclusive. [Par. 38]

§ 79a.34 *Retirement*—(a) *Definition of "basic salary, pay, or compensation."*

(1) The term "basic salary, pay, or compensation" shall be so construed as to exclude from the operation of the act all bonuses, allowances, except as stated in (2) below, retirement pay, or salary, pay, or compensation, in addition to the base pay of the position as fixed by law or regulation.

(2) The quarters, heat, light, household equipment, subsistence, and laundry service furnished members in kind under the provisions of section 3, act of March 5, 1928 (45 Stat. 193; 5 U.S.C. 75a); are not "allowances" within the meaning of subparagraph (1) of this paragraph, but are a part of the "basic salary, pay, or compensation" of the members concerned on which the retirement deduction is to be computed. (See 5 Comp. Gen. 957)

(b) *Determination of status of members.* The question whether members come within the provisions of the act of July 3, 1926 (44 Stat. 904), as amended, providing for retirement, is for deter-

mination by the Civil Service Commission, and when the status of a member is uncertain no more than 96½ percent (or 95 percent as the case may be) of his basic salary, pay, or compensation should be paid until the Civil Service Commission has finally determined the status of the member. (See 27 Comp. Dec. 114)

(c) *Absence without pay.* No retirement deductions should be made for any period during which a member is in a nonpay status.

(d) For credit for past service, effective date of retirement, involuntary separation, etc., see AR 35-4020.<sup>3</sup> [Par. 39]

§ 79a.35 *Pay rolls.* Members of the Corps will be paid on pay rolls pertaining to civilian employees of the arm or service to which assigned. [Par. 40]

§ 79a.36 *Final pay*—(a) *Discharge or resignation.* Final payment upon discharge or resignation will be made by the disbursing officer regularly making payment to the member.

(b) *Death.* (1) Claim for amounts due a deceased member of the Corps should be made by the legal representative or next of kin on Standard Form No. 1055 (Application for Payment of Amounts Due Deceased or Incompetent Civilian Employees, Officers, and Enlisted Men in the Military Service, and Public Creditors of The United States), supported by a receipted itemized undertaker's bill, or itemized bill accompanied by a waiver from the undertaker, or letters of administration. Such claims will be forwarded to the Chief of Finance, through the chief of the arm, service, or bureau concerned, for transmittal to the General Accounting Office.

(2) If pay is subject to retirement deductions, the deduction of 3½ percent, or 5 percent, as the case may be, based on the compensation earned and unpaid at date of death, will be stated on the regular pay roll on which the member would have been paid if service had been rendered throughout the entire pay period in which death occurred, and will be included in the total of retirement deductions deposited by the disbursing officer. The claim for settlement by the General Accounting Office will be stated and approved on a separate voucher in the amount of 96½ or 95 percent of the gross amount earned and unpaid. This voucher will contain a citation to the pay roll on which the retirement deduction of 3½ or 5 percent was deducted, showing the voucher number, account, and the name of the disbursing officer in whose accounts the retirement deduction was accounted for. (See 15 Comp. Gen. 829; Supp. No. 9, G.R. No. 54, G.A.O.)

(c) *Indebtedness.* Collection will be made from final pay of any indebtedness to military or quasi military instrumentalities. [Par. 41]

#### Medical Service

§ 79a.37 *Physical examination and standards*—(a) *General.* Physical examinations of candidates for the Corps will be accomplished at any of the estab-

<sup>2</sup> Administrative regulations of the War Department relative to allotments of pay.

<sup>3</sup> Administrative regulations of the War Department relative to pay of civilian employees in connection with retirement.



ishments authorized to conduct final type physical examinations of officers or at stations conducting examinations for induction of enlisted personnel.

(b) *Form used.* (1) W.D., A.G.O. Form No. 63 (Report of Physical Examination) will be used in reporting physical examinations. Form will be clearly marked to show that the examination is for appointment in the Army Specialist Corps.

(2) The following certificate will be completed and appended to the W.D., A.G.O. Form No. 63:

I certify that I have carefully examined the applicant and have correctly recorded the results of the examinations; and that to the best of my judgment and belief, (1) he is mentally and physically qualified for duties involving \_\_\_\_\_ physical

(Arduous, moderate, or light) cal exertion. It is further believed that he is physically suitable for the type of duty for which he is applying, and that he has no physical or mental defect which is likely to become the basis of a claim against the Government; (2) he is physically or mentally unsuitable for service in the Army Specialist Corps by reason of \_\_\_\_\_

(c) *Physical standards.* Subject to the following provisions, the minimum physical requirements for appointment in the Corps will be the same as those prescribed in mobilization regulations for limited military service (class 1-B standards).

(1) *Provision No. 1.* No individual will be accepted who has a physical defect which, in the opinion of the examiners, renders the applicant unsuitable for the special work he is expected to perform, or which is likely to become aggravated during Federal employment, or which is apt to become the basis of a claim against the Government.

(2) *Provision No. 2.* In exceptional cases an applicant may fall below the standards prescribed in mobilization regulations for limited service (class 1-B), and yet be considered by the medical examiners as suitable for the special work for which he is applying, provided the defect is stationary in character and is unlikely to become aggravated during service, and not apt to become the basis of a claim against the Government. In such cases waivers of the defects may be recommended. All reports of physical examinations for appointment will be forwarded in duplicate by the medical examiners direct to The Adjutant General.

(d) *Examination upon discharge.*

(1) Prior to separation of an individual from the Corps for any cause, a complete physical examination including X-ray of the chest will be made within 30 days prior to discharge and the report forwarded to The Adjutant General. If the separation is within 90 days of the time he was examined for appointment, X-ray of the chest need not be repeated. A serological test for syphilis on separation will not be required unless indicated.

(2) *An officer or specialist will not be regarded as disabled unless he is physically unable to perform satisfactorily the special duties for which he was appointed.* [Par. 421]

\*Line out either (1) or (2) whichever does not apply.

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§ 79a.38 *Vaccinations.* Each member will be immunized against smallpox and tetanus before or immediately after reporting at his first station. Individuals under 45 years of age will also be immunized against typhoid and paratyphoid fevers. Those who are to serve in the Tropics will be immunized against yellow fever. In general, members will be required to submit to immunization procedures prescribed for military personnel. [Par. 431]

§ 79a.39 *Medical attendance and hospitalization.* (a) An officer or specialist of the Corps, except as indicated in paragraph (b) (1) of this section, will be furnished necessary medical attendance and hospitalization for injury or disease not the result of his own misconduct. However, in the event of injury or disease due to misconduct and of such a nature as to preclude travel to place of selection or to a Government hospital, other hospitalization at Corps expense may be provided until such travel is possible. Hospitalization will be provided in contagious and infectious diseases (all venereal diseases are held to be infectious) until the acute stage of the disease is over and the danger of transmission or infection is believed to be past. Venereal patients will be disposed of as prescribed in § 79a.41. Medical care will not include definitive treatment for long-continued cases, elective surgical operations, or dental work other than that authorized by instructions from the War Department. When hospitalization is required, Army and Veterans' Administration hospitals will be used if available and in the vicinity. If such hospitals are not available and within reasonable distance, hospitalization and medical attendance will be arranged for by corps area, department, or field commanders in civilian hospitals at the expense of Corps funds allocated to The Surgeon General.

(b) (1) Private medical attendance and private hospitalization of a member sick or injured while absent from duty under authorization originally granted for an absence in excess of 24 hours or absent without leave are not chargeable to public funds; however, such member may be hospitalized at Government hospitals and given medical treatment by Government medical officers, the cost of such hospitalization or medical treatment to be borne by Corps funds.

(2) A member who, during authorized absence from place of duty, is injured or becomes ill and who in consequence is confined to a hospital or elsewhere will be carried as absent sick, provided the injury or illness is not a result of his own misconduct, and provided further that investigation discloses that the additional absence involved was unavoidable.

(c) Officers of the Corps when hospitalized in military hospitals will pay for hospital subsistence at the same rate charged officers of the Army, and will be provided with similar accommodations. Specialists will pay for hospital subsistence at the enlisted rate and will be provided with enlisted accommodations.

(d) Dependents of members will not be furnished medical care or hospitalization. However, emergency treatment may be rendered at Army dispensaries or hospitals. [Par. 441]

§ 79a.40 *Discharge for physical or mental disability.* (a) Members who become incapacitated for further service by reason of physical or mental disability will be discharged upon completion of such treatment as is authorized except as provided in paragraph (b) of this section. Those disabled through traumatic injury received in the performance of duty will be informed of their rights under the Federal Employees' Compensation Act and will be provided with Form CA-4 for the purpose of claiming compensation.

(b) Before a member about to be discharged for physical or mental incapacity resulting from traumatic injury received in the performance of duty is discharged, the United States Employees' Compensation Commission will be notified, and the individual will continue to receive medical treatment until advice is received from the Commission concerning future medical care. If the injury has been duly reported to the Commission on Form CA 2-C, reference will be made to the fact in notifying the Commission of the proposed discharge. If the injury has not been duly reported, a complete report on Form CA 2-C should accompany the notice to the Commission. Full information as to the individual's physical condition should accompany such notice and any available information necessary for the adjustment of claims for compensation will be furnished direct to the officials of the United States Employees' Compensation Commission upon their request.

(c) When a member of the Corps is to be discharged for physical or mental disability and the place of appointment is beyond the jurisdiction of the commander of the corps area, department, or field command where member is stationed, he may be transferred by such commander to a hospital or other place designated by the commander of the corps area or department within which he was appointed for preparation of final records. In case of insanity, relatives and State authorities concerned will be communicated with before discharge. All necessary records will be forwarded with the patient.

(d) Upon discharge from the Corps of any member who is suffering from a reportable communicable disease, his name, prospective address, and the disease from which he is suffering will be reported to the board of health of the State in which he contemplates making his home. These instructions include the reporting of venereal disease as prescribed in § 79a.41.

(e) When a member of the Corps who has become physically incapacitated for service refuses to accept medical or dental treatment considered necessary for the removal of the disability, he will be discharged. Notation of the fact that he was discharged for refusal to accept treatment for the removal of the dis-



ability will be included in the instructions directing his discharge. [Par. 46]

§ 79a.41 *Disposition of venereal patients*—(a) *General provision relative to treatment.* In general, the diagnosis, treatment, and public health measures for the control of venereal disease will conform in all essential respects to the standard procedure of the United States Army. Treatment of early syphilis is to be of the continuous alternating type, that is, without rest periods between courses and with arsenical courses alternating with bismuth courses—not alternate injections or simultaneous injections of the two drugs, except as indicated for overlap. A course of an arsenical is 8 weekly intravenous injections. A course of bismuth is 10 weekly injections. Clocklike calendar regularity of treatment is critically important to both control of infection and cure. The treatment of late syphilis will be that appropriate for the state and condition of the disease. If the individual is permanently incapacitated on account of physical disability, he should be discharged under the provisions of § 79a.40.

(b) *Notification on discharge.* When a member of the Corps undergoing treatment for any venereal disease is discharged, his official superior will have prepared, in triplicate, a concise clinical summary of the case, setting forth the name of the individual, his prospective address, date of discharge, clinical diagnosis, time of infection, treatment received, results obtained, and any complications that may have occurred. Further treatment will be advised as indicated. The necessity for continued treatment will be explained carefully to syphilitics. One copy of the summary will be furnished to the individual for his guidance, one copy will be forwarded to the health officer of the State of prospective residence, and one copy will be forwarded to corps area or other headquarters for file with the medical records of the individual. [Par. 47]

§ 79a.42 *Disposition of insane.* Members who become incapacitated due to mental disorders will be given medical attendance and hospitalization until the diagnosis is definitely established and will be disposed of as follows:

(a) Those in whom the mental disorder resulted from traumatic injury arising out of their employment, as provided in § 79a.40.

(b) All other cases of mental disorders will be disposed of as follows:

(1) Those who do not require institutional care will be discharged in accordance with these regulations.

(2) Those who require institutional care will be:

(i) Discharged and placed in the care of relatives or friends; or

(ii) Discharged and transferred to the civil authorities legally required to assume care of such cases whenever these authorities will accept them; or

(iii) Those cases which cannot be disposed of as outlined in subdivisions (i) or (ii) above will be reported to the War Department. [Par. 48]

§ 79a.43 *Treatment of hernia.* The following will govern the hospitalization, treatment, and disposition of individuals of the Corps who develop or are found to have hernia:

(a) *Uncomplicated hernia incurred after 6 months' service and while in performance of duty.* (1) Surgical repair will be provided as part of the authorized medical treatment if operation is desired by the individual. All such cases will be transferred to a Government hospital for operation. If a Government hospital is not available, operation may be performed in a civilian hospital under the provisions of § 79a.39. If the hernia is attributed to a traumatic injury incurred during service, Form CA 2-C and Form CA 32, modified to show that the report pertains to a member of the Army Specialist Corps, will be completed for each case operated upon and will be forwarded to the United States Employees' Compensation Commission, New York City. Under remarks, section (F), will be entered a statement as to the date and type of operation.

(2) If an operation is not desired by the individual and he is incapacitated for work, he will be discharged from the Corps for physical disability and informed of his rights under the Federal Employees' Compensation Act of September 7, 1916. If the hernia is attributed to a traumatic injury received during service, Form CA 2-C and Form CA 32, modified to show that the individual is a member of the Army Specialist Corps, will be completed for each case so discharged and will be forwarded to the United States Employees' Compensation Commission, New York City. Under remarks, Section (F), will be entered a statement that operation was not desired by the individual.

(b) *Uncomplicated hernia which existed prior to appointment or enrollment, or was incurred within 6 months after entering Corps.* Operation will not be performed. The individual will be discharged for physical disability unless the hernia is not incapacitating for the type of work expected of him.

(c) *Complicated hernia.* Cases developing complications dangerous to life, such as incarceration, strangulation, etc., will be given such treatment, including operation in a Government or civilian hospital, as the nature of the complication demands, whether the hernia itself was incurred while in the performance of duty or existed prior to appointment in the Corps. If the hernia is attributed to a traumatic injury received during service, Form CA 2-C and Form CA 32, appropriately modified to show that the individual is a member of the Army Specialist Corps, will be completed for each case treated and will be forwarded to the United States Employees' Compensation Commission, New York City. Under remarks, section (F), will be entered a statement as to the date and type of surgical treatment. [Par. 49]

§ 79a.44 *Tuberculosis.* Members of the Corps who become incapacitated because of tuberculosis will be disposed of as follows:

(a) When further hospital treatment is not required, the individual will be discharged immediately, in accordance with existing regulations.

(b) When further hospital treatment is required, efforts will be made to arrange for hospitalization, without expense to the Government, in a State, municipal, or private hospital or sanitarium especially equipped for the treatment of tuberculosis, and the individual will be discharged as soon as such arrangements are made and will be furnished transportation to the hospital.

(c) When disposition cannot be effected under paragraphs (a) and (b) of this section, the individual will be discharged and furnished transportation to his home and the proper health official will be notified of the discharge.

(d) When the condition of the patient precludes transportation, he will be continued under treatment in the hospital where he is until his condition has improved sufficiently to warrant transportation elsewhere. He will then be disposed of as indicated in paragraphs (b) and (c) of this section.

(e) All expenditures incident to the above-directed disposition of tuberculosis cases will be borne by Corps funds. [Par. 50]

#### *Uniforms, Insignia, Etc.*

§ 79a.45 *General.* Until the prescribed uniform of the Corps can be procured, members of the Corps proceeding to theaters of operations and overseas bases will wear the woolen or cotton service uniform of the Army, as prescribed by the commanding general, without insignia, and an "emblem, sleeve, noncombatant." The emblem will be worn attached permanently to the left sleeve of the outer garment, midway between the elbow and the shoulder. [Par. 51]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-4827; Filed, May 28, 1942; 9:20 a. m.]

#### PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

##### COMMISSIONS FOR DENTAL AND VETERINARY STUDENTS

*Officers Appointed in the Army of the United States Under the Provisions of the Act of September 22, 1941*

Section 73.221 is hereby added as follows:

§ 73.221 *Commissions for dental and veterinary students.* (a) Authority is granted to Corps Area commanders to waive the provisions of § 61.69 (d)<sup>1</sup> and § 73.205 (b)<sup>2</sup> for the appointment as second lieutenant, Army of the United States (Medical Administrative Corps), of physically qualified male citizens of the United States above the age of

<sup>1</sup> 6 F.R. 3084.

<sup>2</sup> 6 F.R. 5660; 7 F.R. 739.



eighteen years who are bona fide accepted matriculants at approved Dental and Veterinary schools within or without the United States. Officers so appointed will not be ordered to active duty until eligible for appointment as first lieutenant, Army of the United States (Dental or Veterinary Corps).

(b) Appointment will be made without reference to an examining board as prescribed in § 61.5 (c),<sup>3</sup> and without reference to procurement objectives.

(c) Appointment will be made without a report of physical examination (WD AGO Form No. 63). Authority is granted to waive the provisions of §§ 73.216 to 73.218,<sup>4</sup> inclusive.

(d) Applications and accompanying papers as prescribed in §§ 73.200 to 73.218,<sup>5</sup> inclusive, (except report required by § 73.208<sup>6</sup> (a) (2) (ii)) will be forwarded by the Dean of the school to the Commanding General of the Corps Area in which the school is located, together with a certified statement that the applicant is a bona fide accepted matriculant at the institution.

(e) Those students attending schools outside of the limits of the United States will be charged with the responsibility of proper notification to the Deans of the respective schools in order that the applications and accompanying papers as prescribed in paragraph (d) above are forwarded to the Commanding General of the Corps Area of permanent residence of the student.

(f) Officers appointed under the provisions of this section will be discharged for the convenience of the Government under the following circumstances:

(1) Discontinuance of Dental or Veterinary education.

(2) Matriculation at an unapproved school of dentistry or veterinary medicine.

(3) Failure to complete successfully the prescribed full course of dental or veterinary instruction.

(4) Failure to be selected for appointment in the Army of the United States (Dental or Veterinary Corps) within three months after completion of the prescribed full course of instruction. The number selected will depend upon requirements within authorized procurement quotas for the Dental and Veterinary Corps.

(g) The Surgeon General will maintain adequate records to assure timely application for appointment as first lieutenant, Army of the United States (Dental or Veterinary Corps), and to assure that individuals are promptly reported to The Adjutant General for discharge as provided above. (Pub. Law 252, 77th Cong.) [Letter AGO dated May 18, 1942, AG 210.1 MA-AUS (5-18-42) RB]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-4858; Filed, May 26, 1942; 10:58 a. m.]

<sup>3</sup> 6 F.R. 3718.

<sup>4</sup> 6 F.R. 5661; 7 F.R. 270, 2380.

<sup>5</sup> 6 F.R. 5660, 5823, 6269, 6582; 7 F.R. 67, 270, 739, 841, 1016, 2143, 2380, 2720, 3740.

<sup>6</sup> 6 F.R. 5661.

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Amendment 20-46, Civil Air Regulations]

#### PART 20—PILOT CERTIFICATES

##### PHYSICAL REQUIREMENTS FOR PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of May 1942.

Acting pursuant to sections 205 (a) and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective June 1, 1942, Part 20 of the Civil Air Regulations is amended as follows:

1. By striking § 20.104 in its entirety and inserting in lieu thereof the following:

§ 20.104 *Physical condition.* Applicant shall meet the physical standards of the Third Class prescribed in Part 29.

2. By striking § 20.124 and inserting in lieu thereof the following:

§ 20.124 *Physical condition.* Applicant shall meet the physical standards of the Third Class prescribed in Part 29.

3. By striking § 20.144 in its entirety and inserting in lieu thereof the following:

§ 20.144 *Physical condition.* Applicant shall meet the physical standards of the Second Class prescribed in Part 29.

4. By adding a new § 20.500 after § 20.50 to read as follows:

§ 20.500 *Tests and examinations.* No practical or theoretical tests or other examinations will be given unless the applicant is possessed of a medical certificate issued by an authorized medical examiner of the Administrator or other evidence satisfactory to the Administrator that the applicant has met the appropriate physical requirements prescribed for the issuance of a pilot certificate.

5. By striking § 20.52 in its entirety and inserting in lieu thereof the following:

§ 20.52 (Unassigned.)

6. By striking from the table of contents the words "20.52 Physical examinations" and inserting in lieu thereof the words "20.52 (Unassigned.)"

7. By amending § 20.620 to read as follows:

§ 20.620 *Medical certificate.* A medical certificate issued by an authorized medical examiner of the Administrator or other evidence satisfactory to the Administrator that the pilot has met the appropriate physical requirements prescribed in this part shall be carried by such pilot while piloting aircraft.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-4876; Filed, May 26, 1942; 11:30 a. m.]

[Amendment 21-6, Civil Air Regulations]

#### PART 21—AIRLINE TRANSPORT PILOT RATING

##### PHYSICAL REQUIREMENTS FOR AIRLINE TRANSPORT PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of May 1942.

Acting pursuant to sections 205 (a) and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective June 1, 1942, Part 21 of the Civil Air Regulations is amended as follows:

1. By striking §§ 21.14 through 21.143 (d) and inserting in lieu thereof the following:

§ 21.14 *Physical condition.* Applicant shall meet the physical standards of the First Class prescribed in Part 29.

2. By striking § 21.252 (c) in its entirety.

3. By striking the words "60 days" as they appear in § 21.31 and inserting in lieu thereof the words "6 months".

4. By adding a new § 21.400 to read as follows:

§ 21.400 *Periodic physical examinations.* A certificated airline transport pilot shall not pilot an aircraft in flight unless, within the 6-month period immediately preceding such flight, he has met the physical requirements of this Part by passing an examination, given by an authorized airline medical examiner of the Administrator: *Provided,* That the holder of an airline transport pilot certificate may, in lieu of each alternate periodic physical examination by such medical examiner of the Administrator, submit evidence satisfactory to the Administrator that he has within the preceding 15 days met at least the physical requirements prescribed in this Part by passing a physical examination prescribed by the air carrier by which he is employed.

5. By adding a new § 21.401 to read as follows:

§ 21.401 *Medical certificate.* A medical certificate issued by an authorized airline medical examiner of the Administrator or other evidence satisfactory to the Administrator that the pilot has met the physical requirements of this Part shall be carried by such pilot while piloting aircraft.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-4877; Filed, May 26, 1942; 11:30 a. m.]

[Amendment 22-5, Civil Air Regulations]

#### PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

##### PHYSICAL REQUIREMENTS FOR LIGHTER-THAN-AIR PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of May 1942.



Acting pursuant to sections 205 (a) and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective June 1, 1942, Part 22 of the Civil Air Regulations is amended as follows:

1. By striking § 22.104 and inserting in lieu thereof the following:

§ 22.104 *Physical condition.* Applicant shall meet the physical standards of the Third Class prescribed in Part 29.

2. By striking § 22.114 and inserting in lieu thereof the following:

§ 22.104 *Physical condition.* Applicant shall meet the physical standards of the Third Class prescribed in Part 29.

3. By striking § 22.124 and inserting in lieu thereof the following:

§ 22.124 *Physical condition.* Applicant shall meet the physical standards of the Second Class prescribed in Part 29.

4. By amending § 22.22 to read as follows:

§ 22.22 *Periodic endorsement requirements.* No lighter-than-air pilot certificate shall receive a periodic endorsement unless the holder thereof (1) shall make application for endorsement on the applicable form prescribed and furnished by the Administrator and (2) shall have logged the hours of solo flight time hereinafter required with respect to the following classes of lighter-than-air pilot certificates or in lieu thereof satisfactorily passes the flight test required for the original issuance of his certificate:

(a) Student lighter-than-air pilot:

(1) No flight time required.

(b) Private lighter-than-air pilot:

(1) Fifteen hours of solo flight time within the endorsement period in an airship.

(c) Commercial lighter-than-air pilot:

(1) Twenty hours of solo flight time within the endorsement period in an airship, of which not less than 10 hours shall be solely by instruments. In lieu of not more than 5 hours of this requirement the applicant may show an equal or greater amount of practice under simulated conditions not in flight.

(d) Free balloon pilot:

(1) No flight time required.

5. By amending § 22.23 (c) to read as follows:

(c) The holder of an expired free balloon pilot certificate may secure a new certificate by meeting the physical standards of the Third Class prescribed in Part 29.

6. By amending § 22.23 (e) to read as follows:

(c) In applying this section, the time within which flight time must be secured

in order to comply with the periodic endorsement requirements shall be computed from the date of application for special issuance, rather than the date of expiration of the endorsement period as provided in § 22.22.

7. By striking § 22.241 in its entirety and inserting in lieu thereof the following:

§ 22.241 *Appropriate physical examinations.* The appropriate physical examination prescribed for the original issuance of a lighter-than-air pilot certificate shall be passed before any practical or theoretical test or other examination will be given.

8. By adding a new § 22.314 to read as follows:

§ 22.314 *Periodic physical examination.* (a) A certificated lighter-than-air pilot shall not pilot an aircraft in flight unless within the 12-month period immediately preceding such flight he has met the appropriate physical requirements for the original issuance of his certificate by passing an examination conducted by an authorized medical examiner of the Administrator.

(b) In lieu of the physical examination conducted by an authorized medical examiner of the Administrator, a certificate from the appropriate officer in charge of flying in the Army, Navy, Marine Corps, or Coast Guard certifying that the applicant is on pilot status solo in such service will be accepted as evidence of the physical fitness required for the issuance of any medical certificate provided for in this Part: *Provided*, That the physical qualifications required for such pilot status are not less than those required by these regulations for the grade of pilot certificate applied for.

9. By adding a new § 22.3200 to read as follows:

§ 22.3200 *Medical certificate.* A medical certificate issued by an authorized medical examiner of the Administrator or other evidence satisfactory to the Administrator that the pilot has met the appropriate physical requirements prescribed in this Part shall be carried by such pilot while piloting aircraft.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-4878; Filed, May 26, 1942;  
11:30 a. m.]

[Amendment 26-3, Civil Air Regulations]

#### PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

##### PHYSICAL REQUIREMENTS FOR CONTROL-TOWER OPERATOR CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of May 1942.

Acting pursuant to sections 205 (a) and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective June 1, 1942, Part 26 of the Civil Air Regulations is amended as follows:

1. By striking § 26.10 and inserting in lieu thereof the following:

§ 26.10 *Physical condition.* Applicant shall meet the physical standards of the Second Class prescribed in Part 29.

2. By striking from the table of contents the words "26.10 Physical" and inserting in lieu thereof the words "26.10 Physical condition."

3. By striking the words "60 days" as they appear in § 26.30 (a) and inserting in lieu thereof the words "12 months".

4. By striking § 26.30 (b) and inserting in lieu thereof the following:

(b) In lieu of a physical examination conducted by an authorized medical examiner of the Administrator, a form acceptable to the Administrator, signed by a medical officer on duty with the Army, Navy, Marine Corps, or Coast Guard who is authorized to conduct physical examinations for flying stating that the applicant is an active member of his service and has met within the preceding 12 months the physical requirements prescribed by § 26.10.

5. By striking § 26.40 (a) (1) and renumbering § 26.40 (a), (2) to read "§ 26.40 (a) (1)".

6. By adding a new § 26.500 to read as follows:

§ 26.500 *Medical examination.* A certificated air-traffic control-tower operator shall not serve as such unless within the 12-month period immediately preceding such service he has met the physical requirements for the original issuance of his certificate by passing an examination, conducted by an authorized medical examiner of the Administrator.

7. By adding a new § 26.540 to read as follows:

§ 26.540 *Medical certificate.* A medical certificate issued by an authorized medical examiner of the Administrator or other evidence satisfactory to the Administrator that the air-traffic control-tower operator has met the physical requirements prescribed in this Part shall be carried by such airman while on duty.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-4879; Filed, May 26, 1942;  
11:20 a. m.]

[Amendment 29-0, Civil Air Regulations]

#### PART 29—PHYSICAL STANDARDS FOR AIRMEN

##### PHYSICAL STANDARDS FOR AIRMEN

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of May 1942.

Acting pursuant to sections 205 (a) and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:



Effective June 1, 1942, the Civil Air Regulations are amended as follows:

By adding a new Part to read as follows:

**PART 29—PHYSICAL STANDARDS FOR AIRMEN**

Sec.

29.1 Physical standards.

29.10 First class.

29.11 Second class.

29.12 Third class.

29.2 Waiver of physical standards.

**AUTHORITY:** §§ 29.1 to 29.12, inclusive, issued under secs. 205 (a) and 602 of the Civil Aeronautics Act, as amended.

§ 29.1 *Physical standards.* The physical standards for airmen shall be as follows:

§ 29.10 *First class—(a) Eye.* Applicant shall have:

(1) A visual acuity of at least 20/20 in each eye separately without correction: *Provided*, That if the vision in either or both eyes is not poorer than 20/50 and is brought up to 20/20 or better in each such eye by glasses, the applicant may be qualified upon condition that correcting glasses be worn while exercising the privileges of his airman certificate.

(2) An average depth perception of 30 millimeters or less on a prescribed depth perception apparatus with or without correction: *Provided*, That if the depth perception is greater than 30 millimeters without correction, and is corrected to at least 30 millimeters average by glasses, the applicant may be qualified upon condition that such glasses be worn while exercising the privileges of his airman certificate.

(3) No diplopia in any meridian within 35 degrees from the point of visual fixation.

(4) Not more than one diopter of hyperphoria in either eye.

(5) Not more than 10 diopters of esophoria.

(6) Not more than 5 diopters of exophoria.

(7) An abduction of not less than 3 diopters nor more than 15 diopters.

(8) An adduction of 6 or more diopters.

(9) An accommodation of at least V-1.00 at 18 inches with each eye separately without the use of correcting glasses.

(10) Normal color vision.

(11) Normal visual fields.

(12) No acute or chronic pathological condition of either eye or adenexae, which may interfere with its proper function, may progress to that degree or may be aggravated by flying.

(b) *Ear, nose, throat, and equilibrium.* Applicant shall be able to hear the whispered voice at 8 feet with each ear separately; shall have no acute or chronic disease of the middle or internal ear; no disease of the mastoid; no unhealed (unclosed) perforations of the ear drum; no disease or malformation of the nose or throat which may interfere with or be aggravated by flying; and no disturbance of equilibrium.

If the hearing acuity for the whispered voice is less than 20 feet in either ear

the applicant shall possess a hearing acuity of at least 50% of normal in each ear throughout the effective speech and radio range as demonstrated by a standard audiometer.

(c) *General physical condition.* Applicant shall have no organic or functional disease or structural defect or limitation which would interfere with the safe piloting of aircraft, or other duties of his airman certificate.

Reclining blood pressure shall not exceed 135 mm. systolic, nor 90 mm. diastolic.

Applicants 40 years of age or over shall demonstrate a degree of circulatory efficiency compatible with the safe operation of aircraft at high altitudes.

(d) *Nervous system.* Applicant shall have no disease of the mental or nervous system and no abnormality of the personality.

§ 29.11 *Second Class—(a) Eye.* Applicant shall have:

(1) A visual acuity of at least 20/20 in each eye separately without correction: *Provided*, That if the vision in either or both eyes is not poorer than 20/50 and is brought up to 20/20 or better in each such eye by glasses, the applicant may be qualified upon condition that correcting glasses be worn while exercising the privileges of his airman certificate.

(2) An average depth perception of 30 millimeters or less on a prescribed depth perception apparatus, with or without correction: *Provided*, That if the depth perception is greater than 30 millimeters without correction, and is corrected to at least 30 millimeters average by glasses, the applicant may be qualified upon condition that such glasses be worn while exercising the privileges of his airman certificate.

(3) No diplopia in any meridian within 35 degrees from the point of visual fixation.

(4) Not more than one diopter of hyperphoria.

(5) Properly balanced eye muscles with an abduction of 3 diopters or more, and adduction of six diopters or more.

(6) Sufficient accommodation to pass a test prescribed by the Administrator based primarily upon ability to read official aeronautical maps.

(7) Normal fields of vision; and

(8) No pathology of the eye.

(b) *Ear, nose, throat, and equilibrium.* Applicant shall be able to hear the whispered voice at 8 feet with each ear separately; shall have no acute or chronic disease of the middle or internal ear; no disease of the mastoid; no unhealed (unclosed) perforations of the ear drum; no disease or malformation of the nose or throat which may interfere with or be aggravated by flying; and no disturbance of equilibrium.

(c) *General physical condition.* Applicant shall have no organic or functional disease or structural defect or limitation which would interfere with the safe piloting of aircraft, or other duties of his airman certificate.

(d) *Nervous system.* Applicant shall have no disease of the mental or nervous

system and no abnormality of the personality.

§ 29.12 *Third Class—(a) Eye.* Applicant shall have:

(1) A visual acuity of at least 20/50 in each eye separately without correction: *Provided*, That if the vision in either or both eyes is poorer than 20/50 and is brought up to 20/30 or better in each such eye by glasses, the applicant may be qualified upon condition that such glasses be worn while exercising the privileges of his airman certificate.

(2) An average depth perception of 30 millimeters or less on a prescribed depth perception apparatus, with or without correction: *Provided*, That if the depth perception is greater than 30 millimeters without correction, and is corrected to 30 millimeters average by glasses, the applicant may be qualified upon condition that such glasses be worn while exercising the privileges of his airman certificate.

(3) No diplopia unless corrected by glasses in which case such glasses shall be worn while exercising the privileges of his airman certificate.

(4) No serious pathology of the eye.

(b) *Ear, nose, throat, and equilibrium.* Applicant shall be able to hear the whispered voice at 3 feet; shall have no acute or chronic disease of the internal ear, no disease or malformation of the nose or throat which may interfere with or be aggravated by flying, and no disturbance in equilibrium.

(c) *General physical condition.* Applicant shall have no organic or functional disease or structural defect or limitation which would interfere with the safe piloting of aircraft, or other duties of his airman certificate.

(d) *Nervous system.* Applicant shall have no disease of the mental or nervous system and no abnormality of the personality.

§ 29.2 *Waiver of physical standards.* An airman certificate may be issued to an applicant who does not meet the appropriate physical standards if in the opinion of the Administrator his aeronautical experience, ability and judgment compensate for his physical deficiency. A medical certificate issued under these conditions may be limited as to type of operation, type of aircraft or period of reexamination: *Provided*, That the provisions of this section shall not apply to applicants for the original issuance of an airline transport pilot certificate.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[P. R. Doc 42-4830; Filed, May 26, 1942;  
11:30 a. m.]

**TITLE 29—LABOR**

**Chapter VI—National War Labor Board**

**PART 801—ORGANIZATION**

By virtue of the authority vested in the National War Labor Board by Executive Order No. 9017 of the President,



dated January 12, 1942,<sup>1</sup> the following sections of Part 801<sup>2</sup> (Administrative Regulation No. 1) are hereby amended to read as follows:

§ 801.6 *Division of the Board.* On recommendation by the Committee on New Cases, the Board may designate cases on the Board Docket for handling by a division of three members of the Board composed of a public member, acting as Chairman, an industry member and an employee member: *Provided*, That final decision shall be reserved for the Board.

§ 801.12 *Personnel and administration.* The Chairman, with the advice and consent of the Board, may appoint and fix the compensation of such regular employees of the Board as may be necessary to perform duties of discretionary nature, whether as Mediators, Investigators, Examiners, or otherwise. The Chairman may also appoint and fix the compensation of such *ad hoc* Mediators, Investigators or Examiners and other employees as may be necessary to carry on the clerical and other administrative work of the Board, and, with the aid of such assistants as he may designate, may perform or provide for all other necessary acts of an administrative nature: *Provided*, That he shall so act within the limits of the funds allocated to the Board by the Bureau of the Budget and shall regularly report to the Board on action so taken.

§ 801.13 Rule 13 is hereby revoked.

§ 801.14 Rule 14 is hereby revoked.

§ 801.15 *Committee on New Cases.* The Board shall appoint a committee of six of its members as a standing Committee on New Cases. Two of such members shall be public members of the Board, two shall be employee members and two shall be industry members. Three members of the Committee shall constitute a quorum. Whenever any member of the Committee is unable to attend any meeting of the Committee, he may designate an alternate to sit in his stead. Upon failure of any member so to designate an alternate, the Chairman may designate such an alternate. Each member of the committee shall be entitled to one vote on any matter put to vote before the Committee: *Provided, however*, That Tripartite equality of voting shall be preserved. The decisions of the Committee shall be by majority vote, subject to appeal to the Board. The Administrative Associate Member shall attend the meetings of the committee but shall not be entitled to vote. Such Committee shall have responsibility for supervising the course which cases shall follow until cases are placed before the Board for decision. The Committee shall hold set meetings once each week on such regular day as it shall determine. In carrying out its responsibility, the Committee may when appropriate assign cases to Investigators, Individual Mediators or Panels of Mediators, or may place cases upon the Board Docket for

either Hearing or Executive Sessions, and may, by such resolutions and instructions as the Committee deems appropriate, delegate the routine work of the Committee to a subcommittee composed of one public member of the Board as Chairman, the Administrative Associate Member and the Executive Secretary: *Provided, however*, That such subcommittee shall be required to report on all action taken to the full Committee and the full Committee shall report to the Board on all action taken by it.

§ 801.16 *Dockets.* The Executive Secretary shall keep dockets which shall show the status of all cases pending before the Board in such form as the Chairman shall direct.

Amended May 19, 1942.

GEORGE KIRSTEIN,  
Executive Secretary.

[F. R. Doc. 42-4874; Filed, May 26, 1942;  
11:31 a. m.]

#### PART 802—RULES OF PROCEDURE

By virtue of the authority vested in the National War Labor Board by Executive Order No. 9017 of the President, dated January 12, 1942,<sup>1</sup> the following sections of Part 802<sup>2</sup> (Administrative Regulation No. 2) are hereby amended to read as follows:

§ 802.3 Rule 3 is hereby revoked.

§ 802.6 *Memorandums to be filed by the parties.* Prior to the date for initial mediation proceedings and any hearings before the Board, each party to the dispute shall submit to the Board a memorandum setting forth, in summary form, his position and the facts as to which evidence will be submitted at the hearing. Where circumstances permit, such memorandum shall be required not less than seven days prior to such proceedings and shall be filed in quadruplicate with the Executive Secretary in such form as the Chairman may direct.

§ 802.8 *Reports of Investigators or Mediators.* When proceedings before an Investigator, Individual Mediator, or Panel of Mediators have been concluded, if the dispute has not been settled, the Investigator, Mediator, or Panel shall promptly prepare a full and accurate Report of the positions of the parties, the facts of the case, and recommendations, in such form as the Administrative Associate Member shall direct. In such cases as the Committee on New Cases may designate for Hearing before the Board and in special cases which, in the opinion of the Committee, call for such action, a copy of such Report shall be transmitted to the authorized representatives of each of the parties to the dispute. The parties shall be afforded one week after the receipt of the Report within which to file memoranda setting forth any corrections of the Report, or relevant facts occurring subsequent to the proceedings on which the Report was

based. Additional time for the submission of such memorandums may, however, be granted by the Chairman of the Board, or by his appointee, upon good cause shown. Such memorandums shall be filed in quadruplicate with the Executive Secretary in such form as the Chairman may direct. Cases shall be docketed for consideration by the Board not earlier than three days after expiration of the period for submission of memorandums by the parties upon such Report, and not earlier than two days after copies of the Report of Investigators or Mediators and any analysis of the parties' memorandums are placed in the hands of the Board Members.

§ 802.11 *Transcripts.* When the parties to a labor dispute are brought before a mediator or mediators acting for the National War Labor Board or before the Board itself, proceedings shall be conducted as Hearings when fact-finding, investigation of fact or other proceedings calling for a formal record are in progress. Whenever conferences for mediation purposes are held, the Chairman shall definitely state that the proceedings do not constitute a Hearing, and if a Hearing is in progress shall adjourn the Hearing until reconvened as a Hearing. Whenever proceedings are being conducted as Hearings, as above, verbatim records shall be kept of all proceedings and copies of such records shall be available for inspection by the parties and any interested persons. Extracts shall be obtainable by the parties on arrangement with the official stenographer. The Chairman of any Hearing shall have discretion during any conference to have a stenographic record taken but such record shall be exclusively for the convenience of such Chairman and the Board or Mediators, as the case may be, and shall not be available to the parties, without permission of the Chairman for special cause shown.

Amended May 19, 1942.

GEORGE KIRSTEIN,  
Executive Secretary.

[F. R. Doc. 42-4873; Filed, May 26, 1942;  
11:31 a. m.]

#### TITLE 32—NATIONAL DEFENSE

##### Chapter IX—War Production Board

##### Subchapter B—Division of Industry Operations

##### PART 962—STEEL

[Amendment 1 to Supplementary Order  
M-21-f]

##### SHOT AND BULLET CORE STEEL

Section 962.7 *Supplementary Order M-21-f*<sup>1</sup> is hereby amended by adding under the heading "*Shot*" in Schedule A the following item:

90 mm. Armor piercing and semi-armor piercing.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R.

<sup>1</sup> 7 F.R. 237.

<sup>2</sup> 7 F.R. 599.

<sup>1</sup> 7 F.R. 237.

<sup>2</sup> 7 F.R. 600, 1732, 2925.

<sup>1</sup> 7 F.R. 1062.



329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-4850; Filed, May 26, 1942;  
10:37 a. m.]

# PART 989—DOMESTIC MECHANICAL REFRIGERATORS

[Supplementary General Limitation  
Order L-5-d]

§ 989.5 *Supplementary General Limitation Order L-5-d—(a) Definitions.*  
For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Domestic mechanical refrigerator" means any refrigerator for household use which operates either by compression or absorption and which has a net capacity (N. E. M. A. rating) of 16 cubic feet or less. A low temperature mechanical refrigerator designed for the storage of frozen foods or for the quick-freezing of food, where the low temperature compartment customarily operates at a temperature of not higher than 15 degrees above zero (Fahrenheit) and contains 75% or more of the total refrigerating space in the refrigerator, shall not be considered a domestic mechanical refrigerator.

(3) "New domestic mechanical refrigerator" means any domestic mechanical refrigerator which has never been used by an ultimate consumer, including any such refrigerator which has been used merely for demonstration purposes.

(4) "Manufacturer" means any person who manufactures or assembles new domestic mechanical refrigerators.

(5) "Dealer" means any person (other than a manufacturer or distributor) engaged in the business of making sales at retail of new domestic mechanical refrigerators to the public.

(6) "Distributor" means any person engaged in the business of selling new domestic mechanical refrigerators to dealers for resale.

(7) "Transfer" means to sell, lease, trade, deliver, ship or otherwise transfer a new domestic mechanical refrigerator. "Transfer" does not include a transfer of title merely for security purposes or to a person financing a conditional sale, or a similar transaction made simultaneously with the transfer of the refrigerator itself to the purchaser; nor does it include the sale, lease or delivery of any new domestic mechanical refrigerator as part of the sale, lease or delivery of the dwelling unit or other premises in which such refrigerator is installed for use.

(b) *Restrictions on transfers of new domestic mechanical refrigerators.* On and after the effective date of this order, irrespective of any contract or commitment made prior thereto, no person shall

transfer or accept any transfer of any new domestic mechanical refrigerator, except that:

(1) Any new domestic mechanical refrigerator may be transferred pursuant to a certificate or transfer under the provisions of paragraph (c) or pursuant to other specific authorization of the Director of Industry Operations.

(2) Any new domestic mechanical refrigerator may be transferred in fulfillment of any contract or purchase order for delivery of any such refrigerator to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the Panama Canal.

(3) Any new electric (but not gas or kerosene) domestic mechanical refrigerator which at 10 A. M. Eastern War Time, February 14, 1942, was in the inventory of a dealer, or of any other person not a manufacturer or distributor, may be transferred by any person to any other person without limit as to the number of transfers of any such refrigerator which may be made. Any new electric domestic mechanical refrigerator which was in the hands of a manufacturer or distributor at 10 A. M. Eastern War Time, February 14, 1942, but had been bought and fully paid for by a dealer or other purchaser prior to that time, shall be deemed to have been in the inventory of the purchaser at 10 A. M. Eastern War Time, February 14, 1942.

(4) Any new gas or kerosene domestic mechanical refrigerator which at 10 A. M. Eastern War Time, February 14, 1942, had been bought and fully paid for by an ultimate consumer, and was in the hands of the seller at that time may be delivered to the purchaser.

(5) Any shipment or delivery of new domestic mechanical refrigerators pursuant to Limitation Order L-5-b (or pursuant to specific authorization of the Director of Industry Operations under that order) which was in transit before the effective date of this order may be completed.

(6) Any person may distrain or levy by execution, attachment or similar form of judicial process, on any new domestic mechanical refrigerators, or repossess them on default, but may not transfer them thereafter except pursuant to the provisions of paragraphs (b) (1) or (b) (2) unless the refrigerators come within the provisions of the first sentence of paragraph (b) (3).

(7) Any manufacturer may sell any new domestic mechanical refrigerators to Defense Supplies Corporation or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, and any such corporation may resell any such refrigerators to the manufacturer from whom they were purchased.

(c) *Transfer of new domestic mechanical refrigerators by a Certificate of Transfer.* The Director of Industry Operations may in his discretion issue a Certificate of Transfer in either of the following forms:

(1) A Certificate of Transfer on Form PD-428 may be issued pursuant to a

written application filed on Form PD-427 in accordance with the instructions contained thereon by a person desiring to purchase one or more new domestic mechanical refrigerators. Each such Certificate of Transfer, when signed by the Director of Industry Operations, authorizes the transfer to the person named of the refrigerators mentioned therein, in accordance with the terms stated. If the Certificate is presented to a dealer or distributor who is unable to fill the order from his stock of refrigerators, such dealer or distributor may obtain the refrigerators necessary to fill the order by placing a written purchase order for such refrigerators with a manufacturer, distributor or other person endorsing thereon a statement in the following form:

I (We) have received Certificate of Transfer, No. —, signed by the Director of Industry Operations, covering these refrigerators, and do not have them in stock.

\_\_\_\_\_  
Name of Company  
By \_\_\_\_\_  
\_\_\_\_\_  
Title

Any person with whom a purchase order bearing such an endorsement is placed may, if he does not have enough refrigerators in stock to fill the order, extend it by placing his own purchase order with a Manufacturer or other person holding such refrigerators and endorsing thereon a statement in the following form:

I (We) do not have these refrigerators in stock and they are required to fill an order placed with me by \_\_\_\_\_, who certifies that he has received Certificate of Transfer, No. —, covering these refrigerators.

\_\_\_\_\_  
Name of Company  
By \_\_\_\_\_  
\_\_\_\_\_  
Title

Any person with whom a purchase order for new domestic mechanical refrigerators is placed having an endorsement in either of the above forms, unless he knows or has reason to believe it to be false, shall be entitled to rely on such endorsement and may transfer the refrigerators specified in such order in accordance with its terms.

(2) A Certificate of Transfer on Form PD-430 may be issued in order to permit the Transfer of new domestic mechanical refrigerators:

(i) From one warehouse or place of storage to another warehouse or other place of storage whether or not it involves any change in the ownership or title of such refrigerators, or

(ii) From any person to any other person when the transfer does not come within the provisions of paragraph (c) (1).

(d) *Instructions and forms.* The Director of Industry Operations may issue from time to time such instructions and forms as may be required to carry out the provisions of this order.

(e) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and



complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* (1) Each person who shipped any new domestic mechanical refrigerator during the period from February 14, 1942 to the effective date of this order inclusive, to the Army or Navy of the United States, the United States Maritime Commission or the Panama Canal, or pursuant to any order bearing a preference rating of A-10 or higher, shall file with the War Production Board a report on Form PD-432 on or before the tenth day after the effective date of this order, showing all such shipments.

(2) Each person holding any new domestic mechanical refrigerators on or after the effective date of this order which he cannot transfer under the terms of this order (except under the provisions of paragraphs (b) (2) or (b) (7)) without a Certificate of Transfer, shall file with the War Production Board:

(i) Within ten days of the effective date of this order a report on Form PD-431, listing all such refrigerators on hand on the effective date of this order, and

(ii) On or before the next business day after any shipments to or from his stock of such refrigerators a report of all such shipments on Form PD-431.

(3) All persons affected by this order shall file with the War Production Board such other reports and questionnaires as the Director of Industry Operations shall, from time to time, prescribe.

(h) *Communications.* All reports to be filed and other communications concerning this order should be addressed to the War Production Board, Washington, D. C. Ref.: L-5-d.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using materials under priority control and may be deprived of priorities assistance.

(j) *Order L-5-b superseded.* On and after its effective date the provisions of this order shall supersede all the provisions of Supplementary Limitation Order L-5-b.

(k) *Effective date.* This order shall take effect at 12:01 A. M. Eastern War Time, June 15, 1942, and may be amended or revoked by the Director of Industry operations at any time. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as

amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-4832; Filed, May 26, 1942;  
10:34 a. m.]

#### PART 1084—CANNED FOODS

[Supplementary Order M-86b]

§ 1084.3 *Supplementary Order M-86-b.* (a) Pursuant to Order M-86,<sup>1</sup> which this order supplements, it is hereby ordered that each canner shall set aside to be delivered for the requirements of government agencies, his entire pack of the following fish packed by him at any time from March 1, 1942 to February 28, 1943 (aside from such part of his pack as may have been both sold and delivered to others prior to the effective date of this Supplementary Order:

Salmon:

Red, sockeye, or blueback (*Oncorhynchus nerka*);

Pink (*Oncorhynchus gorbuscha*);

Silver, silverside, medium red, or coho (*Oncorhynchus kisutch*);

Chum or keta (*Oncorhynchus keta*);

King, chinook or spring (*Oncorhynchus tshawytscha*);

Steelhead, or steelhead trout (*Salmo gairdneri*), sometimes called *S. clarki*, sometimes called *S. gairdneri*).

Pilchard (*Sardinia caerulea*), by whatever name known, including sardines.

Sea Herring:

Atlantic (*Clupea harengus*), by whatever name known, including sardines.

Mackerel:

Atlantic (*Scomber scombrus*);

Pacific (*Pneumatophorus japonicus diego*).

(b) Directions as to styles, types of pack, can sizes, labeling, boxes, and strapping may be given by the Director of Industry Operations from time to time to any canner packing the fish specified in paragraph (a).

(c) The report prescribed by paragraph (c) (2) of Order M-86 shall be filed weekly within three days after the close of each calendar week on Form PD-495, "Canned Fish: Weekly Pack Report." A report, on the same form, shall be filed within fifteen days after the completion of each canner's seasonal-pack, covering the entire amount of such pack. The notice permitted by paragraph (c) (3) of Order M-86 may be given if any goods set aside in compliance with this Order have not been purchased within thirty days after the mailing or filing of the report with respect to such goods prescribed by paragraph (c) (2) of said order M-86, or within thirty days after the arrival of such goods in the Continental United States, whichever is later. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671,

<sup>1</sup> 7 F.R. 1998.

76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-4835; Filed, May 26, 1942;  
10:35 a. m.]

#### PART 1110—GOOSE AND DUCK FEATHERS

[Amendment 1 to Conservation Order M-103]

Section 1110.1 *Conservation Order M-102*<sup>1</sup> is hereby amended to read as follows:

(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Goose feathers" means goose feathers and goose down, both domestic and imported which have been plucked or otherwise separated from the fowl, except:

(i) Tail and wing quills,  
(ii) Body feathers over four inches in length,

(iii) Commercial grades or mixtures which have been previously reported on Monthly Inventory Reporting Form PD-405 as curled or crushed coarse quills or quill strippings.

(2) "Duck feathers" means duck feathers and duck down, both domestic and imported, which have been plucked, or otherwise separated from the fowl, except:

(i) Tail and wing quills,  
(ii) Body feathers over three inches in length,

(iii) Commercial grades or mixtures which have been previously reported on Monthly Inventory Reporting Form PD-405 as curled or crushed coarse quills or quill strippings.

(3) "Dealer" means any person who imports, purchases, sorts, grades, or resells goose or duck feathers, as such.

(4) "Processor" means any person who washes, steams, blows, or otherwise prepares goose or duck feathers for use.

(c) *Restrictions on sales and deliveries of goose and duck feathers.* No person, except the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, shall sell or deliver any goose or duck feathers, as such, except to:

(1) A dealer,

<sup>1</sup> 7 F.R. 1495.



(2) A processor to whom a quota has been assigned under paragraph (e) hereof.

(3) The Board of Economic Warfare, the Defense Supplies Corporation or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or

(4) A manufacturer for use by such manufacturer in filling the categories of orders specified in paragraph (d) (1) hereof.

(d) *Restrictions on use of goose and duck feathers.* (1) No person shall hereafter use any goose or duck feathers in the manufacture or production of any article, except for the purpose of filling orders for such feathers for physical incorporation into sleeping bags or pillows, or other articles, to be delivered to the Army or Navy of the United States or the United States Maritime Commission, or for the purpose of filling such other orders as may be specifically permitted by the Director of Industry Operations.

(2) No person shall convert existing inventories of goose and duck feathers or mixtures or any new raw stocks, except into such grades as are required by the present or any future amended or additional specifications for sleeping bags or pillows or other articles required by the persons mentioned in paragraph (d) (1).

(e) *Quotas for repurchase by processors.* Processors who, on the 26th day of May, 1942, are suitably equipped to process or convert inventories of goose or duck feathers into acceptable government grades, shall apply, on or before June 8, 1942, to the War Production Board for the assignment of maximum quotas of acceptable mixtures to be obtained from the repurchase of feathers and down from manufacturers or other users who are not permitted to use their stocks under the terms of this Order, plus such other feathers or down as may be necessary to meet the required specifications. The application for quotas shall be accompanied by a written statement, expressly made subject to the penalties of section 35A of the United States Criminal Code, showing the processor's own actual monthly production capacity of:

(1) Downs of each of the following grades to meet United States Army Air Corps Specification 94-3078a:

- (i) Domestic and/or European Goose.
- (ii) Domestic and/or European Duck or China Goose
- (iii) China Duck

(2) 40 per cent down and 60 per cent feather mixture of each of the following grades to meet Quartermaster Corps Tentative Specification P. Q. D.-135:

- (i) Domestic and/or European Goose Down plus Feathers
- (ii) Domestic and/or European Duck Down or China Goose Down plus Feathers
- (iii) China Duck Down plus Feathers

No. 103—3

(3) 10 per cent down and 90 per cent feather mixture to meet Federal Specification C-F-151a.

(f) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of goose and duck feathers conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram, Reference M-102, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may from time to time be required by said Board.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Reference M-102.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of May 1942.

J. S. Knowlson,  
Director of Industry Operations.

[F. R. Doc. 42-4834; Filed, May 20, 1942;  
10:35 a. m.]

#### PART 1121—PISTOLS, RIFLES AND SHOTGUNS [Amendment 1 to General Limitations Order L-60]

Section 1121.1 *General Limitation Order L-60* is hereby amended in the following respects:

Paragraph (a) of General Limitation Order L-60 is hereby amended to read as follows:

\*7 F.R. 1633.

(a) *Definitions.* For the purposes of this Order:

1. "Defense pistol" means:

(i) Any .22 caliber Harrington and Richardson "Sportsman" Model Target Revolver, and

(ii) Any pistol manufactured by Colt's Patent Firearms Manufacturing Company, the Smith and Wesson Arms Company, or the High Standard Manufacturing Company.

2. "Defense rifle" means:

(i) Any rifle chambered for Government .30/06 caliber cartridges.

(ii) The following rifles of .22 caliber:

- (a) Mossberg Model 42-B,
- (b) Mossberg Repeating Model 42MB.
- (c) Remington Model 513 Target.
- (d) Remington Model 511.
- (e) Winchester Model 75 Target,
- (f) Winchester Model G-6941-R.
- (g) Stevens Model 416-2,
- (h) Savage Model 33, and
- (i) Ranger-Sears Roebuck Target.

3. "Defense shotgun" means:

(i) Any 12 gauge shotgun,

(ii) Any 16 gauge automatic shotgun, and

(iii) Any 16 gauge pump action repeater shotgun.

4. "Manufacturer" means any person engaged in the manufacture of pistols, rifles, and/or shotguns.

Paragraph (b) of General Limitation Order L-60 is hereby amended to read as follows:

(b) *Prohibition of sales.* On and after the date of issuance of this amendment, no person other than a manufacturer shall sell, lease, trade, lend, deliver, ship, transfer or otherwise dispose of any new defense rifle, the net cost of which to him was \$72.50, or less; any new defense shotgun, the net cost of which to him was \$45.00, or less; or any new defense pistol; except:

(i) Pursuant to a specific order of the Director of Industry Operations.

(ii) For Government's use only to any Agency, Department, Office, or Officer of the Federal Government or of any state or local government; or pursuant to orders placed by the government of the United Kingdom, Canada, and other Dominions; Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia; or for the account of any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(iii) That where, as of the date of issuance of this amendment, a person has received a purchase order for or has contracted for the sale or delivery of any defense pistol, defense rifle and/or defense shotgun, to which purchase order or contract a preference rating of A-1-j, or better, has been applied, then that person may sell or deliver the said defense pistol, defense rifle, and/or defense



shotgun in accordance with the terms of such purchase order or contract, and (iv) That the limitations of this paragraph do not apply to any sales or deliveries to or by the Defense Supplies Corporation.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

This amendment shall take effect immediately.

Issued this 26th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-4849; Filed, May 26, 1942;  
10:37 a. m.]

#### PART 1162—DYESTUFFS

[Conservation Order M-103 (As amended)]

Section 1162.1 Conservation Order M-103<sup>1</sup> is hereby amended to read as follows:

(a) *Restrictions on use of the organic dyestuffs*—(1) *Curtailment to December 31, 1942, of dyestuffs appearing on List "A"*. Except as provided in paragraph (b) and paragraph (c) (2) hereof, no person shall hereafter sell or deliver any of the dyestuffs appearing on List "A", to any person, and no person shall use any of the dyestuffs appearing on List "A".

(2) *Curtailment in second quarter of anthraquinone vat dyes not on List "A"*. No person, except as provided in paragraph (b) hereof, shall during the period beginning April 1, 1942, and ending June 30, 1942, sell or deliver to any other person for use in the Continental United States or Canada, and no person shall accept delivery of for such use, or so use, an amount of anthraquinone vat dyes not appearing on List "A" in excess of 12½% of the amount of all anthraquinone vat dyes, including those appearing on List "A", delivered to such other person, or used by such person, as the case may be, in the period from January 1, 1941, to December 31, 1941. For the purposes of this subparagraph, amounts of anthraquinone vat dyes shall be calculated in pounds of equivalent single strength anthraquinone vat dyes, and shall be raised, but only to the extent necessary, to equal 25 pounds or a multiple thereof.

(3) *Restrictions on purchase and sale of all other anthraquinone dyes*. No person, except as provided in paragraph (b) hereof, shall, during the period beginning April 1, 1942, and ending June 30, 1942, sell or deliver to any other person for use in the Continental United States or Canada, and no person shall accept delivery of for such use, or so use an amount of anthraquinone dyes other than those mentioned in (1) and (2) above in excess of 12½% of the amount of such anthraquinone dyes delivered to such other person, or used by such person, as the case may be, in the period

from January 1, 1941, to December 31, 1941. For the purposes of this subparagraph amounts of anthraquinone dyes shall be calculated in pounds, and shall be raised, but only to the extent necessary, to equal 25 pounds or a multiple thereof.

(b) *General exceptions*. The prohibitions and restrictions contained in paragraphs (a) and (c) shall not apply to:

(1) The sale, delivery or use of dyestuffs for the manufacture of any item which is being produced under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States", (Lend-Lease Act), or for the government of Canada, if in any such case the use of such dyestuff to the extent employed is required by the specifications of the prime contract, or

(2) Sales or deliveries of dyestuffs for use in, or resale for use in, and such use in, the manufacture of products to be physically incorporated in the following types of uniforms:

- (i) U. S. Army Officers.
- (ii) U. S. Navy Officers (Commissioned and Warrant) and Chief Petty Officers.
- (iii) U. S. Marine Corps Officers.
- (iv) U. S. Coast Guard Officers and Chief Petty Officers.
- (v) U. S. Government Military and Naval Academy and Training School Students.
- (vi) U. S. Maritime Commission Officers or Employees.
- (vii) U. S. Coast and Geodetic Survey Officers or Employees.
- (viii) U. S. Public Health Service Officers or Employees.

(3) Sales or deliveries of dyestuffs by or from a producer or his exclusive sales agent to another producer or the exclusive sales agent of such other producer, or

(4) Sales to, deliveries to, and use by any person for experimental purposes only of amounts of dyestuffs totaling for such person not in excess of 25 pounds for each self color.

(c) *Restrictions on export*. (1) No producer shall sell or set aside for export, during the period beginning April 1, 1942, and ending June 30, 1942, from the Continental United States, upon orders other than defense orders, in any calendar month, more dyestuffs requiring anthraquinone derivatives in their manufacture than 8 per cent of the total of such dyestuffs produced in such month by him, exports to Canada excepted.

(2) During the period from April 1, 1942, to June 30, 1942, notwithstanding the provisions of paragraph (a), but subject to the limitation of subparagraph (1) above, each producer of any of the dyestuffs appearing on list "A" may export in any month an amount of such dye-

stuffs not in excess of 3 per cent of his total monthly production thereof, upon orders accompanied by export licenses issued by the Board of Economic Warfare, exports to Canada excepted.

(d) *Return of excess dyestuffs to manufacturers*. Each person, other than a manufacturer of dyestuffs, who, on the effective date of this order, shall have in his inventory, or who shall acquire prior to April 1, 1942, an amount of any of the dyestuffs appearing on List "A" which required the use of anthraquinone or anthraquinone derivatives in the manufacture thereof, in excess of the amount thereof scheduled to be used by him prior to April 30, 1942, shall, within five days after the effective date of this order, or after the receipt of such subsequent acquisition, as the case may be, resell, or return for credit, to the manufacturer thereof, such excess amount, and shall deliver the same as instructed by the said manufacturer.

(e) *Prohibitions against sales or deliveries*. No person shall hereafter sell or deliver any dyestuffs to any person, if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(f) *Reports*. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time. No reports or questionnaires are to be filed by any person until forms therefor have been prescribed by the War Production Board.

(g) *Special dye stocks*. Notwithstanding the provisions of § 944.14 of Priorities Regulation No. 1 (Part 944), as amended from time to time, any person may purchase directly from the Defense Supplies Corporation, any amount of the dyestuffs appearing on List "A" and hold the amounts so purchased as inventory: *Provided, however*, That such amounts so purchased shall be taken into account in determining the practicable minimum working inventory insofar as purchases and deliveries from other persons are concerned.

(h) *Miscellaneous provisions*. (1) *Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal*. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of dyestuffs conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegraph, Reference M-103, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

<sup>1</sup> 7 F.R. 2458.



(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured, irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of any dyestuffs in the production of any article, the limitation of such other order shall be observed.

(4) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Definitions.* For the purposes of this order (i) "Dyestuffs" means any coloring matter, with the exception of coloring matter the chemical constituents whereof are entirely inorganic in nature. As used herein, the word "dyestuffs" does not include inorganic pigments which may be extended or otherwise processed with substantially colorless organic material, and shall not include dyes certified under the provisions of the Federal Food, Drug and Cosmetic Act (52 Stat. 1040, Ch. 675) and which are sold and used exclusively for use in foods, drugs and cosmetics, as defined in the said Act. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of May, 1942.

J. S. Knowlson,  
Director of Industry Operations.

#### LIST A

##### Part I. Technical Names

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150.
4. Golden Orange R CI 1097.
5. Khaki 2G.
6. Olive T.
7. Olive GGL.
8. Olive Green B.
9. Yellow 3RD.

##### Part II. Trade names.

- Amanthrene Olive Green B.
- Calcoloid Golden Orange RRTD CI 1097.
- Calcosol Brown G CI 1152.
- Calcosol Brown R CI 1151.
- Calcosol Brown RP CI 1151.
- Calcosol Golden Orange RRTD CI 1097.
- Calcosol Golden Orange RRTF CI 1097.
- Calcosol Khaki G CI 122.
- Calcosol Olive R CI 1150.
- Carbanthrene Brown AR CI 1151.
- Carbanthrene Brown AG CI 1152.
- Carbanthrene Golden Orange RRT CI 1097.
- Carbanthrene Frtg. Golden Orange RRT CI 1097.
- Carbanthrene Khaki 2G CI 122.

- Carbanthrene Olive R CI 1150.
- Cibanone Brown EG CI 1152.
- Cibanone Brown GR CI 1151.
- Cibanone Golden Orange 2R CI 1097.
- Cibanone Olive 2R CI 1150.
- Indanthrene Brown FRA CI 1151.
- Indanthrene Brown GA CI 1152.
- Indanthrene Brown GAF CI 1152.
- Indanthrene Brown GAP CI 1152.
- Indanthrene Brown GWF CI 1152.
- Indanthrene Brown GWP CI 1152.
- Indanthrene Brown RA CI 1151.
- Indanthrene Brown RAP CI 1151.
- Indanthrene Brown RWP CI 1151.
- Indanthrene Khaki 2GA CI 122.
- Indanthrene Khaki 2GF CI 122.
- Indanthrene Khaki 2GWP CI 122.
- Indanthrene Olive Green BA.
- Indanthrene Olive RA CI 1150.
- Indanthrene Olive RAP CI 1150.
- Indanthrene Olive RW CI 1150.
- Indanthrene Olive RWP CI 1150.
- Indanthrene Orange RRTA CI 1097.
- Indanthrene Orange RRTF CI 1097.
- Indanthrene Orange RRTF CI 1097.
- Indanthrene Orange RRTW CI 1097.
- Indanthrene Yellow 3RD.
- Indanthrene Olive T.
- Ponsol Brown AG.
- Ponsol Brown AR CI 1151.
- Ponsol Brown ARS CI 1151.
- Ponsol Green 2BL.
- Ponsol Golden Orange RRT CI 1097.
- Ponsol Golden Orange RETS CI 1097.
- Ponsol Khaki 2G.
- Ponsol Olive AR CI 1150.
- Ponsol Olive ARS CI 1150.
- Ponsol Olive GGL.

The restrictions apply to all the dyes listed above, or their equivalents. The restrictions also apply to mixtures containing these dyes in excess of 10%.

[F. R. Doc. 42-4837; Filed, May 26, 1942; 10:36 a.m.]

#### PART 1169—MAHOGANY AND PHILIPPINE MAHOGANY

[General Conservation Order M-122]

The fulfillment of requirements for the defense of the United States has created a shortage of Mahogany and Philippine Mahogany, for defense, for private account, and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1169.1 *General Conservation Order M-122—(a) Definitions.* For the purposes of this order:

(1) "Mahogany" means the wood of the several species of the genus *Swietenia* and the wood of the several species of the genus *Khaya* of the Meliaceae family.

(2) "Philippine mahogany" means the wood of the several species of the genera *Shorea*, *Parashorea* and *Pentacme* of the Dipterocarpaceae family, otherwise known as tangulle, red lauan, tlaong, almon, bagtikan, mayapis and white lauan.

(3) "War-use mahogany and war-use Philippine mahogany" means mahogany and Philippine mahogany in the form of flitches, knife cut veneer, and lumber in all thicknesses of the grades of FAS and Selects (except such highly figured and cross grained mahogany and Philippine mahogany as is not suitable for plywood and parts, for aircraft, boats and ships, or for patterns and models), also FAS

Wormy, N. O. Wormy, and No. 1 Common (N) Wormy, suitable for patterns and models, all these grades as defined in National Hardwood Lumber Association Rule Book in effect on the date of issuance of this order.

(4) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(5) "Importer" means any person who imports mahogany or Philippine mahogany.

(6) "Dealer" means any person who purchases mahogany or Philippine mahogany for resale.

(7) "Fabricator" means any person who consumes war-use mahogany or war-use Philippine mahogany in any form in the manufacture of semi-finished or finished products consisting wholly or partly of mahogany or Philippine mahogany.

(8) "Converter" means any person who manufactures or remanufactures mahogany or Philippine mahogany which was imported in the form of logs, sections of logs, blocks, flitches, timbers or lumber, into lumber or veneer or other forms utilizable by fabricators.

(b) *Restrictions on sales and deliveries.* After the effective date of this order, no person, other than an importer acting as such, shall buy or accept delivery of war-use mahogany or war-use Philippine mahogany, and no dealer, importer, fabricator or converter shall sell or deliver war-use mahogany or war-use Philippine mahogany, except upon the following categories of orders:

(1) Orders specifying delivery to or for the account of the United States agencies and the countries named in § 944.1 paragraphs (b) (1) and (2), of Priorities Regulation No. 1;

(2) Orders placed by converters, dealers and fabricators for uses limited to those enumerated in paragraph (d) hereof to satisfy orders by or in behalf of the agencies and countries named in § 944.1, paragraphs (b) (1) and (2), of Priorities Regulation No. 1;

(3) Orders placed by any person for use in making patterns and models used in the manufacture of products bearing a preference rating of A-10 or higher;

(4) Orders specifically authorized hereunder by the Director of Industry Operations.

The restrictions in this paragraph on sale or delivery of war-use mahogany or Philippine mahogany shall not apply to the sale or delivery by any person who, on the effective date of this order, has in his inventory not in excess of one hundred board feet of war-use mahogany or war-use Philippine mahogany.

(c) *Restrictions on production.* No converter or fabricator shall process logs into flitches, lumber or veneer, nor further process flitches, as the case may be, unless such logs or flitches are so processed to produce the maximum of war-use mahogany and war-use Philippine mahogany obtainable therefrom, in the form desired.



(d) *Restrictions on use.* Unless specifically authorized by the Director of Industry Operations, and except as authorized by paragraph (e) hereof, no person shall consume any war-use mahogany or war-use Philippine mahogany in the production of any product or equipment except those hereinafter specified, namely:

(1) Plywood and parts, for aircraft, boats and ships to the extent that mahogany or Philippine mahogany is specifically permitted by the controlling specifications;

(2) Patterns and models used in the manufacture of products bearing a preference rating of A-10 or higher.

(e) *Exception.* A fabricator acting as such on the effective date of this order may continue to process stocks of war-use mahogany and war-use Philippine mahogany in his possession on that date without regard to the limitations contained in paragraph (d) hereof.

(f) *Application of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be disproportionate compared with the amount of war-use mahogany and war-use Philippine mahogany conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Washington, D. C., Ref: M-122, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref: M-122.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Effective date.* This order shall take effect immediately.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7

F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-4836; Filed, May 26, 1942;  
10:36 a. m.]

#### PART 1173--RUBBER YARN AND ELASTIC THREAD

[Amendment 3 to Conservation Order M-124]

Section 1173.1 (Conservation Order M-124<sup>1</sup>) is hereby amended in the following respect:

Subparagraph (d) (5) is amended by striking out the words "Any rubber yarn, latex yarn or elastic thread," therein, and inserting in lieu thereof the words "Any covered rubber yarn, covered latex yarn, or covered elastic thread, of a count of 61, or finer".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-4851; Filed, May 26, 1942;  
10:37 a. m.]

#### PART 1226--GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-123]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of general industrial equipment for defense, for private account and export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.1 *General Limitation Order L-123*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "General industrial equipment" means new equipment of the kinds listed, from time to time, in List A. General industrial equipment shall be deemed to be new when it has not been delivered to any person acquiring it for use.

(3) "Manufacturer" means any person producing general industrial equipment.

(4) "Distributor" means any person in the business of distributing general industrial equipment.

(5) "Order" means any commitment or other arrangement for the delivery of general industrial equipment, whether by purchase, lease, rental, or otherwise.

(6) "Approved order" means:

(i) Any order for general industrial equipment bearing a preference rating of A-9 or higher.

(ii) Any order which the Director of Industry Operations authorizes for delivery pursuant to paragraph (b) (2) hereof.

(b) *Restrictions on acceptance of orders for, and production and distribution of general industrial equipment—*

(1) *General restrictions.* No person shall accept any order for general industrial equipment, or deliver any general industrial equipment in fulfillment of any order, whether accepted or not; unless such order is an approved order. No person shall accept delivery of any general industrial equipment except pursuant to an approved order: *Provided, however,* That nothing in this order shall be construed to prevent the shipment of machinery from any manufacturer to any distributor (i) to fill approved orders actually received by such distributor or (ii) to replace machinery delivered by such distributor to fill an approved order, or construed to limit the right of a manufacturer legally to extend any preference rating certificate to secure material for the production of approved orders for general industrial equipment.

(2) *Authorization for orders on books.* Manufacturers or distributors may apply for authorization to deliver orders on their books which are not approved orders by filing with the War Production Board, at the date of issuance of this order, in triplicate, plainly marked Ref: L-123 a list of all such orders now on the books together with the name of the purchaser or lessee, the date of the order, the number of pieces of equipment or machinery, the rating assigned, the preference rating certificate number, if any, (or blanket preference rating order and serial number) a description of the machinery, the value of the machinery, the specified delivery date, the percentage of completion of the order, on the effective date of this order, and the expected use to which the machinery will be put. The Director of Industry Operations may thereupon, if he shall deem it necessary or appropriate in the public interest and to promote the national defense, authorize the delivery of any such orders, or the assignment of preference ratings thereto.

(c) *Non-applicability to repair or maintenance.* The prohibitions of paragraph (b) hereof shall not be construed to restrict any delivery (1) to fill any order of less than \$1000 for parts to be used to repair or maintain a single piece of existing General Industrial Equipment, or a single piece of general industrial equipment delivered under the terms of this order, or (2) to fill any order of \$1000 or more for repair or maintenance parts when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair or maintenance parts are not otherwise available.

<sup>1</sup> 7 F.R. 2472, 2580, 3234.



(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *Applicability of other orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, acquire, fabricate or process in any manner, any raw materials, semi-fabricated parts, or finished parts in contravention of terms of any regulation of the War Production Board, effective at the date of any of the transactions specified in this paragraph.

(f) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after the effective date of this order. No Person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reason he considers he is entitled to relief. The Division of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-123.

(i) *Records and reports.* All Manufacturers and Distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for general industrial equipment.

All persons affected by this order shall execute and file with the Division of Industry Operations, War Production Board, such reports and questionnaires as said Division shall from time to time request.

(j) *Violations.* Any person who willfully violates any provision of this order, or who willfully furnishes false information to the Director of Industry Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E. O. 9040, 7 F.R. 527; E.O.

9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

#### LIST A

1. Conveying machinery for the mechanical handling of materials, except farm elevators, or fuel conveying equipment used in the operation of steam generating boilers above 100 pounds pressure, which are to be used for any purpose.

2. Mechanical power transmission equipment, which means:

(a) Open and enclosed gearing for transmitting one-quarter horsepower and over except high speed turbine type gears.

(b) Mechanical drives and parts thereof for transmitting or handling one-quarter horsepower and over.

3. Industrial fans, except forced or induced draft fans used in the operation of steam generating boilers above 100 pounds pressure, which are to be used for any purpose.

4. Industrial blowers.

5. Turbo blowers.

6. Industrial compressors and vacuum pumps, mechanically operated, all types except "Critical Compressors" so defined in General Limitation Order L-100, refrigeration compressors, and units having a displacement of less than one cubic foot per minute.

7. Industrial pumps, mechanically operated, including centrifugal, power reciprocating, turbine, deep well turbine, rotary, cam, screw, gear, valve and jet types; but not including pumps for farm use as defined in General Limitations Order L-26, measuring and dispensing pumps, vertical submerged reciprocating or turbine type pumps used in oil wells for petroleum production, or boiler feed pumps used in the operation of steam generating boilers above 100 pounds pressure, which are to be used for any other purpose.

8. Electric motors, one horsepower and over.

9. Industrial hand trucks, other than highway.

10. Stationary steam engines, except marine engines and engine generator sets.

11. Industrial air washers.

12. Industrial heat exchangers, except for use in refrigeration, air conditioning, steam electric generation, and for domestic use.

13. Passenger or freight elevators, including residence elevators, home lifts, elevettes, and similar equipment), inclinator, electrically operated passenger elevating devices appurtenant to stationary stairways, and power operated dumbwaiters.

14. Electric controls, manual and magnetic, including safety switches, for motors one horsepower and over.

[F. R. Doc. 42-4852; Filed, May 26, 1942; 10:37 a. m.]

#### PART 1244—INSTRUMENTS, VALVES AND REGULATORS USED IN INDUSTRIAL PROCESSES

[Conservation Order L-134]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chromium and nickel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1244.1 *Conservation Order L-134—*  
(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person manufacturing any industrial instrument, instrument end, instrument connection, control valve, safety valve, or regulator as defined below, to the extent he is engaged in such manufacture.

(3) "Industrial instrument" means any type of indicating, recording or measuring, or controlling instrument used in industrial processes and containing an instrument connection listed in subparagraph (4) below, or an instrument end listed in subparagraph (5) below.

(4) "Instrument connection" means any of the following, to the extent used with or in an industrial instrument, if fabricated in whole or in part from nickel, chromium, or any alloy thereof: capillary tubing having an internal diameter of .025" or less; protective armor tubing; tubes or springs (thermal and pressure systems); diaphragms or bellows (pressure systems except differential measuring systems and extension lead wire.

(5) "Instrument end" means any of the following to the extent used with or in an industrial instrument, if fabricated in whole or in part from nickel, chromium, or any alloy thereof: sockets, wells, protecting tubes, sheaths and target tubes; liquid level floats, float rods, float cages and flanges, expansion and immersion tubes; clean out valve trim and liners for use with venturi tubes; flow nozzles; orifice plates, orifice meter accessories, thermocouples and thermocouple wire; temperature bulbs (except resistance thermometer elements), bushings and revolving or coupling nuts; resistance thermometers; safety shutters and switches for radiation pyrometers; contact rods for flame control; straightening vanes; studs for differential pressure chambers; conductivity cells for measuring conductivity of fluids; and gas analysis parts used in measuring instruments.

(6) "Control valve" means any globe or butterfly type valve, the inner portion of which is operated automatically by pneumatic, hydraulic, or electric motive power, containing any of the parts listed in paragraph (d) (1), (2), and (3), pro-

<sup>1</sup>So in original document.



vided such parts are fabricated in whole or in part from nickel or chromium, or any alloy thereof. The term shall not include any type of gate valve or slide valve.

(7) "Regulator" means any self-operated or integral pilot operated type valve used to control temperature, pressure above 25 p. s. i., flow or liquid level, and containing any of the parts listed in paragraph (d) (1), (2), and (3), provided such parts are fabricated in whole or in part from nickel or chromium, or any alloy thereof.

(3) "Safety valve" means any self-operated valve designated to relieve pressure at a predetermined set point in excess of 25 p. s. i. gage, and containing any of the parts listed in paragraph (d) (1), (3) and (4), provided such parts are fabricated in whole or in part from nickel or chromium or any alloy thereof.

(b) *General restrictions.* (1) On and after the date of issuance of this order, no Manufacturer shall knowingly put in process any chromium, nickel, or alloy thereof, in the production of any instrument end, instrument connection, industrial instrument containing an instrument end or connection, control valve, regulator or safety valve except for use under the operating conditions specified in paragraphs (c) or (d).

(2) On and after 30 days after the date of issuance of this order, no Manufacturer shall knowingly deliver, and no person shall accept delivery of, any instrument end, instrument connection, industrial instrument, containing an instrument end or instrument connection, control valve, regulator, or safety valve except for use under the operating conditions specified in paragraphs (c) or (d).

(3) On and after 60 days after the date of issuance of this order, no manufacturer shall put in process any chromium, nickel, or alloy thereof for the production of any instrument end, instrument connection, industrial instrument containing an instrument end or connection, control valve, regulator or safety valve except in accordance with the specifications enumerated in paragraphs (c) or (d).

(4) On and after the date of issuance of this Order, no Manufacturer shall accept an Order for, or deliver, and no Person shall accept delivery of any Instrument End, Instrument Connection, Industrial Instrument containing an Instrument End or Instrument Connection, Control Valve, Regulator, or Safety Valve except pursuant to a preference rating of A-10 or better.

(5) *Restrictions upon inventory.* No Person shall accept delivery of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, regulator or safety valve unless, based upon experience records, he expects to install the item which is being delivered, and all similar items on hand within the next 90 days.

(6) *Certification to be furnished.* Each person receiving delivery of an instrument end, instrument connection, industrial instrument containing an instru-

ment end or instrument connection, control valve, regulator or safety valve shall certify to the manufacturer or other person from whom he receives such delivery, as a condition to receiving such delivery, the following on the purchase order, or in a separate letter:

The undersigned hereby certifies that the \_\_\_\_\_ will be used under (here fill in item ordered) the operating conditions permitted for such item under the terms of Conservation Order L-134. The operating conditions under which it will be used are:

(Here fill in operating conditions for which item will be used)

Company

By \_\_\_\_\_

No Person shall make a delivery under this paragraph who has reason to believe that the Person accepting delivery has furnished a false certification; and no Person shall falsely furnish the certification specified above. The certification specified above shall constitute a representation to the Director of Industry Operations, War Production Board, of the facts certified therein.

(7) Nothing in this order shall be construed to place any restriction upon any instrument, valve or regulator, or part thereof, unless such instrument, valve, regulator or part thereof contains nickel, chromium, or any alloy thereof, or upon any instrument, valve, regulator or part thereof which was manufactured prior to the effective date of this order.

(c) *Operating conditions and specifications for instrument ends, instrument connections, and industrial instruments containing instrument ends or connections.* Pursuant to the provisions of paragraph (b) hereof, the production and delivery of the following instrument ends, instrument connections, and industrial instruments containing instrument ends or instrument connections shall be governed by the following operating conditions and specifications:

(1) *Capillary tubing having an internal diameter of .025" or less—(i) Operating conditions.* Capillary tubing having an internal diameter of .025" or less shall be delivered for use only under the operating conditions specified in List A paragraph 1, or in mercury filled thermal systems.

(ii) *Specifications.* Capillary tubing having an internal diameter of .025" or less shall be manufactured from a metal whose nickel and chromium alloy content does not exceed that of Type 347 metal and shall be manufactured in the following four sizes only: .06" x .007"; .06" x .011"; .06" x .017"; .06" x .025". *Provided however,* That nothing in this paragraph shall prohibit the use of invar wire or an increase in the internal diameter of the capillary tubing to accommodate the use of such wire.

(2) *Protective armor tubing—(i) Operating conditions.* Protective armor tubing shall be delivered for use only under the operating conditions specified in List A paragraph 1.

(ii) *Specifications.* Protective armor tubing shall be manufactured in lengths not in excess of 6" at either the instrument or bulb.

(3) *Tubes and springs (pressure and thermal systems)—(i) Thermal systems—(a) Operating conditions.* Tubes or springs for use with thermal systems shall be delivered for use only with mercury filled thermal systems.

(b) *Specifications.* Tubes or springs for use with thermal measuring systems shall be manufactured from S. A. E. X4130 or alternate steels conforming to National Emergency Steel Specifications.

(ii) *Pressure systems—(a) Operating conditions.* Tubes or springs for use with pressure systems may be delivered for use under any operating conditions.

(b) *Specifications.* Tubes or springs for use with pressure systems shall be manufactured from S. A. E. 4140, 6150, X4130 or alternate steels conforming to National Emergency Steel Specifications: *Provided, however,* That where used under the operating conditions specified in List A paragraph 1 or 2, the total nickel and chromium alloy content of such tubes or springs shall not exceed 32%.

(4) *Diaphragms or bellows. (Pressure systems except differential measuring systems)—(i) Operating conditions.* Diaphragms or bellows for pressure systems (except differential measuring systems) shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(5) *Sockets, wells, protecting tubes, sheaths and target tubes—(i) Operating temperatures up to 1400° F.—(a) Operating conditions.* When used under operating temperatures up to 1400° F., sockets, wells, protecting tubes, sheaths and target tubes shall be delivered for use only under the operating conditions specified in List A paragraphs 1 (a) to 1 (k) inclusive, paragraph 2, or paragraph 3 (b) or 3 (c), or on aircraft.

(b) *Specifications.* The total nickel and chromium alloy content of sockets, wells, protecting tubes, sheaths and target tubes employed under the operating conditions specified in (a) above shall not exceed 30%, and maximum nickel or chromium contents shall not exceed 20% each.

(c) *Exception.* Provided however, that for use under operating conditions specified in List A paragraph 1 (f) the total nickel and chromium alloy content shall not exceed 80%, and maximum nickel and chromium content shall not exceed 65% and 30%, respectively. Provided further, that the restrictions of this paragraph (5) (i) shall not apply to the use of nickel in nickel-copper alloys where the item is produced to fill orders and specifications of the Navy of the United States.

(ii) *Operating temperatures from 1401° F. to 1900° F.—(a) Specifications.* The total nickel and chromium alloy content of sockets, wells, protecting tubes, sheaths and target tubes, used under operating temperatures from 1401° F. to 1900° F. shall not exceed 52%, and the nickel and chromium contents shall not exceed 35% and 28%, respectively.



(b) *Exception.* Provided, however, that for use under the operating conditions specified in List A paragraph 1 (i) the maximum total nickel and chromium alloy content shall not exceed 80% and the nickel and chromium contents shall not exceed 65% and 30%, respectively.

(iii) *Operating temperatures of 1901° F. and above—(a) Operating conditions.* When used under operating temperatures of 1901° F. and above, sockets, wells, protecting tubes and sheaths shall only be delivered for use under the operating conditions specified in List A, paragraph 1 (i), target tubes may be delivered for use under any conditions.

(b) *Specifications.* Sockets, wells, protecting tubes, sheaths and target tubes employed under the operating conditions specified in (a) above shall contain a maximum total nickel and chromium alloy content not to exceed 80%, and maximum nickel and chromium contents of not over 65% and 30%, respectively.

(6) *Temperature bulbs (except resistance thermometer elements)—(i) Operating conditions.* When used without sockets or protecting tubes, temperature bulbs (except resistance thermometer elements) may be delivered for use only under the operating conditions specified in List A paragraph 1, 2, 3 (b) or 3 (c), or with mercury filled systems.

(ii) *Specifications.* When used with a mercury-filled system in a socket, temperature bulbs (except resistance thermometer elements) shall be manufactured from S. A. E. 4140 or alternate steels conforming to National Emergency Steel Specifications. When used under the other operating conditions specified in subparagraph (i) above (including use with mercury-filled systems without a socket) the total nickel and chromium alloy content of temperature bulbs (except resistance thermometer elements), shall not exceed 30%, and the maximum nickel and chromium content shall not exceed 20% each, respectively.

(iii) *Exception.* The restrictions of this subparagraph shall not apply to the use of nickel in nickel-copper alloys where the item is produced to fill orders and specifications of the Navy of the United States.

(7) *Bushings and revolving or coupling nuts—(i) Operating conditions.* Bushings and revolving or coupling nuts shall be delivered for use only under the operating conditions specified in List A paragraph 1 or 2.

(8) *Resistance thermometer elements—(i) Operating conditions.* Resistance thermometer elements shall be delivered for use only at temperatures below 350° F.

(9) *Contact rods for flame control—(i) Specifications.* The alloy content of contact rods for flame control shall not exceed 80% nickel and 20% chromium, respectively.

(10) *Thermocouples—(i) Operating temperatures up to 800° F.—(a) Specifications.* Where used in temperature ranges up to and including 800° F., the thermocouple wire alloy content shall not exceed 46% nickel, and the size of the wire shall not exceed #14 B and S gage.

(ii) *Operating temperatures from 801° F. to 1,400° F.—(a) Specifications.* Where used in temperature ranges between 801° F. and 1,400° F., inclusive, the thermocouple wire alloy content shall not exceed 46% nickel, and the size of the wire shall not exceed #8 B and S gage, or as an alternate, the thermocouple wire alloy content shall not exceed 95% nickel or 10% chromium in either wire, and the size of the wire shall not exceed #14 B and S gage.

(iii) *Operating temperatures from 1,401° F. to 2,050° F.—(a) Specifications.* Where used in temperature ranges between 1,401° F. and 2,050° F., inclusive, the thermocouple wire alloy content shall not exceed 95% nickel or 10% chromium in either wire, and the size of the wire shall not exceed #8 B and S gage.

(iv) *Operating temperatures of 2,051° F. and above—(a) Operating condition:* When used in temperature ranges of 2,051° F. and above, thermocouple wire shall be delivered for use in molten metal baths only.

(b) *Specifications.* The size of the wire shall be limited to #2 B and S gage or smaller, and the alloy content shall not exceed 95% nickel or 10% chromium in either wire.

(v) *Special provisions for replacement.* The limitations of subdivisions (i), (ii), (iii) and (iv) shall not apply to replacements if the extension lead wire or parts required to recalibrate existing instruments are not available in the user's plant.

(11) *Extension lead wire—(i) Specifications.* Two conductor extension lead wires shall not exceed 46% nickel content and shall be manufactured in sizes not larger than #16 B and S gages. *Provided, however,* That extension lead wire used with millivoltmeter type pyrometers shall be limited in size to #14 B and S gage.

(ii) *Exception.* *Provided however,* That there shall be no limitation on the size of wire used on aircraft.

(12) *Safety shutters and switches for radiation pyrometers—(i) Specifications.* The nickel or chromium alloy content of safety shutters for radiation pyrometers shall not exceed 20% each. There shall be no restrictions upon the nickel or chromium alloy content of switches for radiation pyrometers.

(13) *Liquid level float cages and flanges—(i) Operating conditions.* Liquid level float cages and flanges shall be delivered for use only under the operating conditions specified in List A paragraph 3 (b).

(ii) *Specifications.* The total nickel and chromium alloy content shall not exceed 30%, and the nickel and chromium contents shall not exceed 20% each, respectively.

(14) *Liquid level floats and float rods—(i) Operating conditions.* Liquid level floats and float rods shall be delivered for use only under the operating conditions specified in List A paragraphs 1, 2, or 3 (b).

(ii) *Specifications.* The total nickel and chromium alloy content shall not exceed 30%, and the nickel and chromium contents shall not exceed 20% each, respectively.

(15) *Liquid level expansion and immersion tubes—(i) Operating conditions.* Liquid level expansion and immersion tubes shall be delivered for use only under the operating conditions specified in List A paragraph 1 or 2 or at temperatures of 400° F. and above.

(16) *Flow nozzles—(i) Operating conditions.* Flow nozzles shall be delivered for use only in the presence of a flowing medium with a temperature in excess of 900° F.

(17) *Orifice plates for use in pipe sizes below 10"—(i) Operating conditions.* Orifice plates for use in pipe sizes below 10" shall be delivered for use only under the operating conditions specified in List A paragraphs 1, 2, 3 (b) or 3 (c).

(18) *Orifice plates for use in pipe sizes 10" and above—(i) Operating conditions.* Orifice plates for use in pipe sizes 10" and above shall be delivered for use only under the operating conditions specified in List A paragraphs 1, 2, 3 (b) or 3 (c).

(ii) *Specifications.* Chromium or nickel alloys shall not be used except for surfacing or edging, and the amount must not exceed the minimum required to permit fastening to holding plates or to obtain accuracy of measurement.

(19) *Orifice meter accessories—(i) Prohibition.* No nickel, chromium or alloy thereof shall be used in the manufacture of orifice flange unions, except for trim of needle valves of 1/2" pipe size and smaller or in settling chambers, or in separating chambers, or in condensers.

(20) *Straightening vanes—(i) Operating conditions.* Straightening vanes shall be delivered for use only under the operating conditions specified in List A paragraphs 1 or 3 (c) and their delivery shall be further limited to use in pipes having an internal diameter of 10 inches or less.

(21) *Cleanout valve trim and liners for use with Venturi tubes—(i) Operating conditions.* Cleanout valve trim and liners for Venturi tubes shall be delivered for use only under the operating conditions specified in List A paragraphs 1, 2, 3 (b) or 3 (c).

(22) *Studs for differential pressure chambers—(i) Specifications.* Studs for differential pressure chambers shall be manufactured from S. A. E. 4140 or alternate steels conforming to National Emergency Steel Specifications.

(23) *Conductivity cells for measuring conductivity of fluids—(i) Operating conditions.* Conductivity cells for measuring conductivity of fluids shall be delivered for use only under the operating conditions specified in List A paragraph 1 or 2.

(24) *Gas analysis. (Parts used in measuring instruments)—(i) Operating conditions.* Gas analysis parts used in measuring instruments shall be delivered for use only when they come in contact with the gas analyzed or chemicals employed in the process.

(d) *Operating conditions and specifications for safety valves, control valves and regulators.* Pursuant to the provisions of paragraph (b) hereof, the production and delivery of the following Safety Valves, Control Valves and Regu-



lators shall be governed by the following operating conditions and specifications:

(1) *Bodies, bonnets and blind flanges*—(i) *Operating conditions.* Bodies, bonnets and blind flanges shall be delivered for use only under the operating conditions specified in List A paragraph 3 (b).

(ii) *Specifications.* When used under operating conditions of List A paragraph 3 (b) the total alloy content shall not exceed 30%, and the nickel and chromium contents shall not exceed 20% each, respectively.

(2) *Inner valves and seat rings (exclusive of safety valves)*—(i) *Operating conditions.* Inner valves and seat rings (exclusive of safety valves) shall be delivered for use only under an operating pressure drop of 50 p. s. i. or more.

(ii) *Specifications.* Where practicable, the flow cutting surface shall be made of carbon steel faced with a chromium or nickel alloy not in excess of  $\frac{3}{32}$ " finished thickness.

(iii) *Exception.* Where used under the operating conditions specified in List A paragraphs 1 or 2, the total alloy content shall not exceed 30%, or 20% in either nickel or chromium.

(3) *Studs for valve bodies and flanges*—(i) *Specifications.* Studs for valve bodies and flanges shall be manufactured from S. A. E. 4140 or alternate steels conforming to National Emergency Steel Specifications.

(ii) *Exception.* Where used under the operating conditions specified in List A paragraph 3 the total nickel or chromium alloy content shall not exceed 30% or 20% in either nickel or chromium.

(4) *Safety valve nozzles, discs and trim*—(i) *Operating conditions.* Safety valve nozzles, discs and trim shall be delivered for use only under the operating conditions specified in List A paragraphs 1 or 3 (d)

(e) *Ninety-day exemption of Army, Navy and Maritime Commission.* The provisions of this Order shall not apply to deliveries to or for the account of the Army, Navy, or Maritime Commission until 90 days after the date of issuance of this Order. As used in this paragraph, the terms "Army", "Navy", and "Maritime Commission" shall not include any privately operated plant or shipyard, financed or controlled by any of those organizations, or operated on a cost-plus-fixed-fee-basis.

(f) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(g) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-134.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director of Industry Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such Person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(j) *Records and reports.* All Manufacturers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for Industrial Instruments. All Persons affected by this order shall execute and file with the Division of Industry Operations, War Production Board, such reports and questionnaires as said Division shall from time to time request. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of May 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

#### LIST A

Paragraph 1. When exposed to:

- (a) Nitric acid (dilute or concentrated).
- (b) Coke oven gas.
- (c) Blast furnace gas.
- (d) Sulphurous gases.
- (e) Steam above 200 pounds per square inch or 400° F.
- (f) Lead, tin or zinc molten metal baths.
- (g) Sulphuric or hydrochloric acids.
- (h) Sour gas and vapors.
- (i) Hydrofluoric acid.
- (j) Salt brine in crude petroleum.
- (k) Petroleum fluids at operating temperatures in excess of 500° F.
- (l) Salt baths containing nitrates, chlorides, cyanides, or fluorides.

Paragraph 2. (a) When contiguous metal coming in contact with the processed medium at the point of measurement or control is also a nickel or chromium alloy.

(b) When contiguous surfaces coming in contact with the processed medium at the point of measurement or control are non-metallic but no protection other than one containing nickel or chromium will withstand the corrosive medium.

(c) In the production of synthetic rubber, when an explosive hazard due to chemical reaction cannot otherwise be avoided.

(d) When no other material can be substituted without contaminating the material being processed.

(e) In the processing of petroleum products in closed vessels and pipes, when the processed medium comes in contact with other metals containing chromium or nickel alloy prior to the time when a physical or chemical change occurs in the processed medium.

Paragraph 3. When the fluid to which the part is to be subject is under:

(a) Static pressure of 250 pounds per square inch or more;

(b) Temperature of 750° F. and above, or minus 20° F. and below;

(c) Velocity of 5,000 feet per minute or more for gases or vapors; or 300 feet per minute or more for liquids;

(d) Temperature of minus 250° F. to 1250° F. inclusive or from 400 pounds per square inch to 2,500 pounds per square inch inclusive.

[F. R. Doc. 42-4833; Filed, May 26, 1942; 10:35 a. m.]

## Chapter XI—Office of Price Administration

### PART 1300—PROCEDURE

#### [Procedural Regulation 3]

#### PROCEDURE FOR THE PROTEST AND AMENDMENT OF MAXIMUM RENT REGULATIONS AND ADJUSTMENT UNDER SUCH REGULATIONS

Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Pub. Law 421, 77th Cong.), the following Rules are hereby prescribed for the protest and amendment of maximum rent regulations, and for adjustments and determinations pursuant thereto and interpretations thereof:

Sec.  
1300.201 Definitions.

#### ADJUSTMENTS AND OTHER DETERMINATIONS

1300.202 Orders by rent director.  
1300.203 Landlords' petitions.  
1300.204 Tenants' applications.  
1300.205 Orders entered by the rent director on his own initiative.  
1300.206 Consolidation.  
1300.207 Determinations.

#### PROTESTS

1300.208 Right to protest.  
1300.209 Time for filing protests.  
1300.210 Place for filing protest against a maximum rent regulation.  
1300.211 Protest against an order.  
1300.212 Form of protest.  
1300.213 Assignment of docket number.  
1300.214 Contents of protest.  
1300.215 Affidavits or other written evidence in support of protest.  
1300.216 Submission of brief by protestant.  
1300.217 Amendment of protest and presentation of supplemental evidence.  
1300.218 Protest and evidential material not conforming to the foregoing rules.  
1300.219 Action by the administrator on protest.  
1300.220 Statements in support of maximum rent regulation or order.  
1300.221 Inclusion of material in the record by the administrator.  
1300.222 Consolidation of protests.



## ORAL HEARINGS ON ADJUSTMENTS AND OTHER DETERMINATION AND ON PROTESTS

- Sec.  
 1300.223 Nature of oral hearing.  
 1300.224 Conference prior to oral hearing.  
 1300.225 Continuance of adjournment of oral hearing.  
 1300.226 Conduct of the oral hearing.  
 1300.227 Filing of briefs.  
 1300.228 Subpoenas.  
 1300.229 Witnesses.  
 1300.230 Contemptuous conduct.  
 1300.231 Stenographic report of oral hearing.

## OPINION AND TRANSCRIPT ON PROTESTS

- 1300.232 Opinion denying protest in whole or in part.  
 1300.233 Treatment of protest as petition for amendment or for adjustment.  
 1300.234 Transcript for judicial review.

## PETITION FOR AMENDMENT OF MAXIMUM RENT REGULATION

- 1300.235 Right to file petition.  
 1300.236 Method of filing, form, and contents.  
 1300.237 Action by the administrator on petition.

## INTERPRETATIONS

- 1300.238 Interpretations not to be given orally.  
 1300.239 Requests for interpretations: form and contents.

## MISCELLANEOUS

- 1300.240 Action by representative.  
 1300.241 Filing of notices, etc.  
 1300.242 Service of papers.  
 1300.243 Office hours.  
 1300.244 Photostatic copies of material in the administrative record.  
 1300.245 Former employee not to be representative.  
 1300.246 Amendment of this regulation.  
 1300.247 Effective date of procedural regulation No. 3.

AUTHORITY: §§ 1300.201 to 1300.247, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1300.201 *Definitions.* As used in this regulation (§§ 1300.201 to 1300.247, inclusive) unless the context otherwise requires, the term:

(a) "Act" means the Emergency Price Control Act of 1942.

(b) "Administrator" means the Price Administrator of the Office of Price Administration or such person or persons as he may appoint or designate to carry out any of the duties delegated to him by the Act.

(c) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Maximum rent" means the maximum rent established by any maximum rent regulation or order for the use of housing accommodations within any defense-rental area.

(e) "Maximum rent regulation" means any regulation establishing maximum rents pursuant to the Act.

(f) "Date of issuance," with respect to a maximum rent regulation, means the date on which such regulation is filed with the Division of the Federal Register.

(g) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons,

or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Protestant" means a landlord subject to any provision of a maximum rent regulation or order under section 2 of the Act who files a protest against such provision in accordance with section 203 (a) of the Act. A landlord is "subject to a provision of a maximum rent regulation or order under section 2 of the Act" only if such provision prohibits or requires action by him.

(i) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(j) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(k) "Defense-rental area" means any area designated by the Administrator as an area where defense activities have resulted or threaten to result in an increase in the rents for housing accommodations inconsistent with the purposes of the Act.

(l) "Rent Director" means the person designated by the Administrator as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(m) "Area rent office" means the office of the Rent Director in any defense-rental area.

(n) "Regional Administrator" means the person designated by the Administrator as administrator of any regional office established by the Office of Price Administration or such person or persons as may be designated to carry out any of the duties delegated to the Regional Administrator by the Administrator.

*Adjustments and Other Determinations*

§ 1300.202 *Orders by Rent Director.* A Rent Director for the appropriate defense-rental area may enter an order in any circumstances where provision is made for an order by any maximum rent regulation for such area.

§ 1300.203 *Landlords' petitions.* All landlord's petitions provided for by any maximum rent regulation shall be filed with the area rent office in the appropriate defense-rental area on forms provided by such office. The petition shall state the name and post office address of the petitioner and of the tenant of the housing accommodations involved, the location, by post office address or

otherwise, of such accommodations, the relief sought, the facts upon which such relief is based and such other information as the Administrator shall require. One original and one copy of each petition shall be filed.

§ 1300.204 *Tenants' applications.* All tenants' applications provided for by any maximum rent regulation shall be filed with the area rent office in the appropriate defense-rental area on forms provided by such office. The application shall state the name and post office address of the applicant and of the landlord of the housing accommodations involved, the location, by post office address or otherwise, of such accommodations, the relief sought, the facts upon which such relief is based and such other information as the Administrator shall require. One original and one copy of each application shall be filed.

Action upon any tenant's application shall be within the discretion of the Rent Director, and the procedure thereon shall be the same as in proceedings initiated by the Rent Director.

§ 1300.205 *Orders entered by the rent director on his own initiative.* In any case where the Rent Director may think it advisable to enter an order on his own initiative he shall, before taking such action, serve a notice upon the landlord of the housing accommodations involved, stating the proposed action and the grounds thereof. A similar notice may be served upon the tenant. Thereafter the proceeding shall be in accordance with § 1300.207.

§ 1300.206 *Consolidation.* A landlord's petition may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. The Rent Director at any time may order the filing of separate petitions. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more landlords' petitions and tenants' applications the Rent Director may consolidate such petitions and applications. On his own initiative the Rent Director may consider in one proceeding as many housing accommodations as present common questions which can be expeditiously determined in that proceeding.

§ 1300.207 *Determinations.* (a) The Rent Director may refer any proceeding under §§ 1300.202 to 1300.206, inclusive, to such person or persons as he may designate for investigation and report. Such person or persons shall submit to the Rent Director recommendations concerning the disposition of the matter, a copy of which shall be served upon the landlord. The landlord may file written objections to the recommendations within a time specified by the Rent Director and shall accompany any such objections with all written evidence, in the form of affidavits, upon which the landlord relies and which has not previously been submitted in writing. If the landlord does not file written evidence the Rent Director may enter an appropriate order upon the basis of the recommendations. If the landlord files objec-



tions and written evidence the matter shall proceed as provided in paragraph (b) of this section.

(b) The Rent Director at any time may direct the landlord to file, in the form of affidavits, all written evidence upon which he relies. As far as practicable the landlord shall be given notice of any evidence considered by the Rent Director which was not introduced at an oral hearing and shall be given a reasonable opportunity to present evidence in rebuttal thereof. The Rent Director may enter an appropriate order upon the basis of the written evidence.

In case the determination cannot expeditiously be made on the written evidence or the Rent Director believes that all essential evidences cannot feasibly be presented in writing, he may direct that an oral hearing be held in accordance with the provisions of §§ 1300.223 to 1300.231, inclusive, and may enter an appropriate order upon all the evidence. A copy of any order entered pursuant to this section shall be transmitted to the landlord.

#### Protests

§ 1300.208 *Right to protest.* Any landlord subject to any provision of a maximum rent regulation or of an order in any proceeding under §§ 1300.202 to 1300.207, inclusive, of this Regulation may file a protest against such provision in the manner hereinafter set forth.

§ 1300.209 *Time for filing protests.* Every protest shall be filed within a period of 60 days after the date of issuance of the regulation or order protested, regardless of the effective date prescribed therein: *Provided, however,* That any protest based solely upon grounds arising after the expiration of 60 days after the date of issuance of the regulation or order protested may be filed at any time after the grounds for such protest arise.

§ 1300.210 *Place for filing protest against a maximum rent regulation.* A protest against a provision of a maximum rent regulation shall be filed with the Secretary, Office of Price Administration, Washington, D. C.

§ 1300.211 *Protest against an order.* (a) A protest solely against an order in any proceeding under §§ 1300.202 to 1300.207, inclusive, of this regulation shall be filed with the regional office of the region which includes the defense-rental area for which the order was issued. At the time of filing any such protest the protestant shall serve a copy of the protest and any accompanying documents on the Rent Director who entered the protested order. The Rent Director shall forthwith deliver to the appropriate regional office the record of the proceedings on which the order was entered.

(b) A Regional Administrator may decide and enter orders on protests which paragraph (a) requires to be filed with the regional office for which he acts. All provisions of this Regulation relating to action by the Administrator on protests shall apply also to action thereon by the appropriate Regional Administrator.

(c) A protest of an order shall not vacate the order protested. Any order

entered in such protest proceedings shall be effective from the date of its issuance unless otherwise provided in such order.

§ 1300.212 *Form of protest.* The first page of every protest shall state (a) the name of the protestant and of the defense-rental area for which the regulation or order protested was issued, (b) whether the protest is against a regulation or order, and (c) the date of issuance of such regulation or order. One original and six copies of the protest and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed or prepared by a similar process, and shall be plainly legible. Copies shall be double-spaced, except that quotations shall be single-spaced and indented.

§ 1300.213 *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the information specified in § 1300.212.

§ 1300.214 *Contents of protest.* Every protest shall set forth the following:

(a) The name and the post office address of the protestant and the manner in which the protestant is subject to the regulation or order protested, including the location by post office address or otherwise of any housing accommodations involved in the protest.

(b) The name and post office address of the person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration relating to the protest shall be sent.

(c) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered.

(d) A clear and concise statement of all facts alleged in support of the objection.

(e) A statement of the relief requested by the protestant including, if the protestant requests modification of a provision of the maximum rent regulation, the specific changes which he seeks to have made in the provision.

(f) In cases where the protest is filed on grounds arising after the expiration of 60 days after the issuance of the regulation or order, a clear and concise statement of facts showing the time when such grounds arose.

(g) A statement, signed and sworn to by the protestant personally, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall state which of the facts are known to him to be true and which are alleged on information and belief.

§ 1300.215 *Affidavits or other written evidence in support of protest.* Every protestant shall file in conjunction with his protest the following:

(a) Affidavits setting forth in full all the evidence, the presentation of which is subject to the control of the protestant, upon which the protestant relies in support of the facts alleged in the protest: *Provided, however,* That, on a protest of an order, the evidence in proceedings under §§ 1300.202 to 1300.207, inclusive, of this Regulation shall be a part of the record on protest and need not be filed by the protestant. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance, the affiant shall state in detail the sources of his information.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest.

(c) If necessary, a further statement setting forth the nature and sources of any evidence which the protestant is unable to present solely because of the time limited for the filing of protests and supporting material. Such further statement may contain a request for an opportunity to present such further evidence, which request shall state specifically the amount of time needed for preparation of such evidence.

§ 1300.216 *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.

§ 1300.217 *Amendment of protest and presentation of supplemental evidence.*

(a) Within a period of 60 days after the issuance of the regulation or order against a provision of which his protest is filed or, in the case of a protest properly filed more than 60 days after the issuance of a regulation or order, within 15 days after such protest is filed, the protestant may amend his protest or the affidavits and briefs submitted therewith, or may add to such material.

(b) After the time prescribed in paragraph (a) of this section, a protestant may be granted permission to amend his protest or to present further evidence in connection therewith, when, in the judgment of the Administrator, such permission will not unduly delay the completion of proceedings on the protest.

(c) No amendment which adds a new ground of protest will be permitted.

§ 1300.218 *Protest and evidential material not conforming to the foregoing rules.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to §§ 1300.212, 1300.214, and 1300.215 of this regulation, the Administrator may dismiss such protest.

§ 1300.219 *Action by the Administrator on protest.* (a) Within a reasonable time after the filing of any protest in accordance with §§ 1300.212, 1300.214, and 1300.215 of this regulation, but in



no event more than 30 days after such filing or 90 days after the date of issuance of the regulation or order against a provision of which the protest is filed, whichever occurs later, the Administrator shall:

(1) Grant or deny such protest in whole or in part;

(2) Notice such protest for oral hearing, to be held in accordance with the provisions of §§ 1300.223 to 1300.231, inclusive, of this regulation; or

(3) Provide an opportunity to present further evidence in connection with such protest: Within a reasonable time after the presentation of such further evidence, the Administrator may notice such protest for oral hearing in accordance with subparagraph (2) of this section.

(b) Notice of any such action taken by the Administrator shall promptly be served upon the protestant.

(c) Where the Administrator has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

§ 1300.220 *Statements in support of maximum rent regulation or order.* (a) Any person affected by the provisions of a maximum rent regulation or of an order in any proceeding under §§ 1300.202 to 1300.207, inclusive, of this part may at any time after the issuance of such regulation or order submit to the Administrator a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the regulation or order in question, and may be accompanied by affidavits and other data. Each such supporting statement shall conform to the requirements of § 1300.212 of this Regulation, except that one original and one copy shall be filed.

(b) In the event that a protest has been, or is subsequently, filed to a provision of a regulation or order in support of which a statement has been submitted, the Administrator may include such statement in the record of the proceedings taken in connection with such protest. If such supporting statement is incorporated into the record, and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the protestant, and protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.221 *Inclusion of material in the record by the Administrator.* The Administrator shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the protestant, and the protestant shall be

given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.222 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the Administrator may consolidate such protests.

#### *Oral Hearings on Adjustments and Other Determination and on Protests*

§ 1300.223 *Nature of oral hearing.* In the event that an oral hearing is ordered in connection with a protest or with proceedings under §§ 1300.202 to 1300.207, inclusive, of this Regulation, notice thereof shall be served on the landlord not less than five days prior to such hearing. The time and place of the hearing shall be stated in the notice.

§ 1300.224 *Conference prior to oral hearing.* At any time prior to the commencement of the oral hearing, the landlord may be requested to appear at a conference to consider: (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; and (c) such other matters as may expedite the conduct of the oral hearing. No transcript of such conference shall be kept, but the Administrator or Rent Director shall incorporate in the record of the proceedings any written stipulations or agreements made at, or as a result of, the conference. If the circumstances are such that an oral conference is impracticable, the Administrator or Rent Director may direct that such negotiations be conducted by correspondence.

§ 1300.225 *Continuance of adjournment of oral hearing.* The oral hearing shall be held at the time and place specified by the notice of hearing but may be continued or adjourned to a later day or to a different place. Notice of such adjournment or continuance may be by announcement at the oral hearing.

§ 1300.226 *Conduct of the oral hearing.* (a) The oral hearing on a protest shall be conducted by the Administrator or such officer or employee of the Office of Price Administration (hereinafter referred to as the "presiding officer") as the Administrator may appoint or designate for that purpose. The oral hearing on a proceeding under §§ 1300.202 to 1300.207, inclusive, of this regulation shall be conducted by the Rent Director or such officer or employee of the Office of Price Administration (hereinafter referred to as the "presiding officer") as may be appointed or designated for that purpose. Any such appointment or designation may be made or revoked at any time.

(b) The oral hearing shall be conducted in such manner as will permit the landlord to present evidence and argument to the fullest extent compatible with expeditious decision of the issues. To this end:

(1) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(2) The presiding officer, having due regard to the need for expeditious decision and for fair treatment to the land-

lord, may restrict oral argument and the examination and cross-examination of witnesses: *Provided, however,* That in no event shall this section be taken to limit the right of the landlord to submit affidavits or other written evidence or arguments.

§ 1300.227 *Filing of briefs.* The presiding officer shall allow the landlord to file briefs or written arguments within such time as he shall designate.

§ 1300.228 *Subpoenas.* (a) The landlord may apply for a subpoena in connection with an oral hearing. When made prior to the oral hearing, applications for subpoenas shall be filed as follows: (1) on a protest against a maximum rent regulation, with the Secretary, Office of Price Administration, Washington, D. C.; (2) on a protest against an order, with the regional office in which such protest proceeding is pending; and (3) on a proceeding under §§ 1300.202 to 1300.207, inclusive, of this Regulation, with the area rent office in which such proceeding is pending. Applications for subpoenas made during the oral hearing shall be submitted to the presiding officer.

(b) All applications for subpoenas shall specify the name of the witness and the nature of the facts to be proved by him and, if calling for the production of documents, shall specify them with such particularity as will enable them to be identified for purposes of production.

(c) Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees and mileage specified in section 202 (f) of the Act. When the subpoena is issued at the instance of the Administrator, fees and mileage need not be tendered.

§ 1300.229 *Witnesses.* Witnesses summoned before the presiding officer at any protest hearing shall be paid the fees and mileage specified by section 202 (f) of the Act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.

§ 1300.230 *Contemptuous conduct.* Contemptuous conduct at any oral hearing shall be ground for exclusion from the hearing. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for the striking out of all testimony previously given by such witness on related matters.

§ 1300.231 *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the office of the Secretary, Office of Price Administration, Washington, D. C., or in the appropriate regional or area office.

#### *Opinion and Transcript on Protests*

§ 1300.232 *Opinion denying protest in whole or in part.* In the event that the Administrator denies any protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.

§ 1300.233 *Treatment of protest as petition for amendment or for adjustment.*



Any protest filed against a provision of a maximum rent regulation may, in the discretion of the Administrator, be treated not only as a protest but also as a petition for amendment of the regulation protested, or as a petition for adjustment pursuant thereto, when the facts produced in connection with the protest justify such treatment.

§ 1300.234 *Transcript for judicial review.* The transcript for judicial review shall include: (a) the designation of the defense-rental area; (b) the rent declaration; (c) the maximum rent regulation or order against a provision of which the protest was filed; (d) the protest; (e) a statement setting forth, as far as practicable, the economic data and other facts of which the Administrator has taken official notice; and (f) such other portions of the proceeding in connection with the protest as are material under the complaint.

#### *Petition for Amendment of Maximum Rent Regulation*

§ 1300.235 *Right to file petition.* A petition for amendment of a maximum rent regulation may be filed: (a) by any person subject to any provision of a maximum rent regulation who has failed to file a proper protest within the time specified in § 1300.209; (b) by any other person subject to any provision of a maximum rent regulation who proposes an amendment thereof; or (c) by any person who desires modification of any provision of a maximum rent regulation by which he is affected but to which he is not subject.

§ 1300.236 *Method of filing, form, and contents.* A petition for amendment shall be filed with the area rent office for the defense-rental area covered by the maximum rent regulation involved, and shall conform in all respects to the requirements set forth in § 1300.212 of this regulation except that one original and two copies shall be filed. The petition shall state the name and post office address of the petitioner, shall specify the manner in which the petitioner is subject to or affected by the provision of the maximum rent regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition may be accompanied by affidavits setting forth the evidence upon which the petitioner relies in support of the facts alleged in his petition.

§ 1300.237 *Action by the Administrator on petition.* In the consideration of any petition for amendment, the Administrator may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment.

#### *Interpretations*

§ 1300.238 *Interpretations not to be given orally.* No interpretation of a maximum rent regulation shall be given except in writing, signed by the Administrator or such person as he may appoint

or designate to make such interpretations.

§ 1300.239 *Requests for interpretations: form and contents.* Any person desiring an interpretation of a maximum rent regulation may make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall state the names and post office addresses of all persons involved. No interpretation shall be given with respect to any hypothetical situation or in response to any hypothetical question.

#### *Miscellaneous*

§ 1300.240 *Action by representative.* Any action which by this regulation is required of, or permitted to be taken by, a landlord may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord has by written power of attorney authorized to represent him. Such power of attorney, signed by the landlord, shall be filed with the protest, petition or other document.

§ 1300.241 *Filing of notices, etc.* All notices, reports, registration statements and other documents which a landlord is required to file by any maximum rent regulation shall be filed with the appropriate area rent office unless otherwise provided in such maximum rent regulation.

§ 1300.242 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the residence of the principal office or place of business of the person to be served; or by registered mail, or by telegraph. When service is made personally or by leaving a copy at the residence or the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service.

§ 1300.243 *Office hours.* The Office of the Secretary, Office of Price Administration, Washington, D. C. and each regional office and area rent office, shall be open, on week days, from 9 A. M. until 5 P. M. and on Saturdays from 9 A. M. until 1 P. M. Any person desiring to file any papers, or to inspect any documents filed with such offices, at any time other than the regular office hours stated, may file a written application with the Secretary, the Regional Administrator, or the Rent Director, as the case may be, requesting permission therefor.

§ 1300.244 *Photostatic copies of material in the administrative record.* Photostatic copies of any material included in the record of proceedings on any protest may be purchased by the protestant or other interested person at 10 cents per photostatic copy of each page.

§ 1300.245 *Former employee not to be representative.* No former officer or employee of the Office of Price Administration shall, within two years after the termination of his employment, be permitted to act as agent, attorney, or representative of any person in connection

with any protest, petition for amendment, petition for adjustment, or other proceeding before the Office of Price Administration.

§ 1300.246 *Amendment of this regulation.* Any provision of this regulation may be amended or rescinded by the Administrator at any time. Such amendment or rescission shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

§ 1300.247 *Effective date of Procedural Regulation No. 3.* This Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive) shall become effective May 25, 1942.

Issued this 25th day of May, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-4820; Filed, May 25, 1942; 5:10 p. m.]

#### PART 1340—FUEL

[Amendment 3 to Maximum Price Regulation 122<sup>1</sup>]

#### SOLID FUELS DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES—DEALERS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1340.257 is amended and a new paragraph (c) is added to § 1340.260a, as set forth below:

§ 1340.257 *Petitions for amendment and adjustment or exception.* (a) The Administrator may grant an adjustment of or exception from the maximum prices provided in Maximum Price Regulation No. 122 to any person subject thereto who shows to the satisfaction of the Administrator that he is subjected to undue hardship because he is thereby required not to exceed a price specified in a long term contract with a consumer, other than a household consumer, which contract was in effect during the period December 15-31, inclusive, 1941, and had been entered into prior to July 1, 1941. In such a case, the petitioner should submit and the Office of Price Administration will consider:

(1) A copy of the long term contract or contracts upon which the petition is based;

(2) The tonnage, and the proportion of the total tonnage sold by the petitioner in the year 1941, which moved under such long term contract, broken down as to sizes, kinds and qualities;

(3) The prices listed by petitioner in all advertisements, price circulars, lists or schedules in effect during December 15-31, 1941, for the sizes, kinds and qualities of solid fuel involved in such long term contract, for sale of similar quantities to purchasers of the same class, and under similar terms and methods of delivery;

<sup>1</sup>7 F.R. 8239, 3666, 3856.



(4) The weighted average of the prices actually charged by petitioner during December 15-31, 1941, on sales of each size, kind and quality of solid fuel covered by such long term contract, but not including the tonnage sold under such contracts;

(5) A summary, for each month of the calendar year 1941, of the prices charged by petitioner in sales of each size, kind, and quality of solid fuel covered by such long term contract, exclusive of the tonnage sold under such contract;

(6) A statement of the mine prices paid by petitioner from and after the date upon which such long term contract was entered into on all purchases of the sizes, kinds and qualities of solid fuel covered by such contract;

(7) Any other data bearing on the alleged hardships imposed on petitioner by virtue of the effect of such long term contract upon his maximum prices.

(8) Any data showing the necessity, in terms of the war effort, for the granting of the requested adjustment or exception.

The Office of Price Administration may require in connection with any such petition full data on costs, profits, and other factors deemed relevant. Petitions for adjustment or exception, pursuant to this section, shall be filed in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) Persons seeking any modification of this Maximum Price Regulation No. 122 or any adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

#### \* \* \* \* \*

§ 1340.260a *Effective dates of amendments.* \* \* \*

(c) Amendment No. 3 (§§ 1340.257 and 1340.260a) to Maximum Price Regulation No. 122 shall become effective May 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-4818; Filed, May 25, 1942;  
5:08 p. m.]

#### PART 1340—FUEL

[Amendment 4 to Maximum Price Regulation 122]

#### SOLID FUELS DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES— DEALERS

A statement of considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new subparagraph (4) is added to paragraph (f) of § 1340.261 and a new paragraph (d) is added to § 1340.260a, as set forth below:

17 F. R. 3239, 3666, 3856.

#### § 1340.261 *Appendix A. Maximum prices for solid fuels delivered from facilities other than producing facilities.* \* \* \*

(f) \* \* \*

(4) In the case of sales of solid fuel by a person subject to this Maximum Price Regulation No. 122, to a state or other political subdivision, contracts may be entered into providing for the sale of solid fuel at prices not exceeding the maximum prices applicable under this Maximum Price Regulation No. 122 which are in effect at the time of actual delivery, and in addition, for the special services of the seller, at specified charges, in connection with the storage, maintenance and delivery of the solid fuel sold, on behalf of the buyer, where the circumstances are such that the seller is unable to determine a charge for such special services under the provisions of paragraph (f) (3) of this § 1340.261: *Provided,*

(i) That any such contract shall state the charges for such special services separately from the prices paid for the solid fuel as a commodity;

(ii) That any such contract shall be awarded by the purchaser pursuant to open bids; and

(iii) That two copies of any such contract shall be filed with the Office of Price Administration, Washington, D. C. within fifteen days after its execution.

#### § 1340.260a *Effective dates of amendments.* \* \* \*

(d) Amendment No. 4 (§§ 1340.261 (f) (4) and 1340.260a (d)) to Maximum Price Regulation No. 122 shall become effective May 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-4819; Filed, May 25, 1942;  
5:09 p. m.]

#### PART 1306—IRON AND STEEL

[Amendment 5 to Revised Price Schedule 6]

#### IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1306.10 (i) is hereby amended by striking out the proviso added by Amendment No. 1 to Revised Price Schedule No. 6, and by substituting the following therefor.

#### § 1306.10 *Appendix A: Domestic and export ceiling prices for sales by producers of iron and steel products.* \* \* \*

(i) \* \* \* *Provided further,* That the discount or allowance to be made on bale tie low carbon Bessemer or low carbon basic manufacturers' wire, shall be not less than 40 cents per hundred pounds off the base price for such wire,

17 F. R. 1215, 1836, 2132, 2163, 2293, 2837, 3115.

except that, insofar as a lesser discount was actually and customarily granted, as of April 16, 1941, by a producer who customarily sold such bale tie wire to bale tie manufacturers, such lesser discount may be used by the producer on its sales of bale tie wire to such manufacturers.

#### \* \* \* \* \*

Section 1306.9a *Effective date of amendments.* \* \* \*

(e) Amendment No. 5 (§ 1306.10 (i)) to Revised Price Schedule No. 6 shall become effective May 30, 1942, and shall apply to all shipments made on and after that date.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-4836; Filed, May 26, 1942;  
11:48 a. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

#### DESIGNATION OF 19 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities have resulted or threaten to result in increases in the rents for housing accommodations in the areas designated in § 1388.1251 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for defense-area housing accommodations within the defense-rental areas designated in § 1388.1251;

Therefore, under the authority vested in the Price Administrator by said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1388.1251 to 1388.1255, inclusive, issued under Pub. Law 421, 77th Cong.



§ 1388.1251 *Designation.* The following areas are hereby designated by the Price Administrator as areas where defense activities have resulted or threaten to result in an increase in rents for

housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute defense-rental areas to be known by the names listed in the following table:

Name of defense-rental area <sup>1</sup>	In State or States of—	Defense-rental area consists of—
(1) Hot Springs-Malvern, Arkansas.	Arkansas	Counties of Clark, Garland, and Hot Springs.
(2) Modesto.	California	County of Stanislaus.
(3) Ventura.	California	County of Ventura.
(4) Bainbridge-Cairo, Georgia.	Georgia	Counties of Decatur and Grady.
(5) Brunswick.	Georgia	Counties of Brantley, Camden, Glynn, McIntosh, and Wayne.
(6) Decatur, Indiana.	Indiana	County of Adams.
(7) Wabash.	Indiana	Counties of Huntington, Miami, and Wabash.
(8) Ludington.	Michigan	Counties of Maclester, Mason, and Oceana.
(9) Sault Ste. Marie.	Michigan	County of Chippewa.
(10) Anaconda.	Montana	County of Deer Lodge.
(11) Monroe, North Carolina.	North Carolina	County of Union.
(12) Chillicothe.	Ohio	County of Ross.
(13) Sidney, Ohio.	Ohio	County of Shelby.
(14) Borger.	Texas	Counties of Carson, Gray, and Hutchinson.
(15) Dumas-Sunray.	Texas	Counties of Dallam, Hansford, Hartley, Moore, and Sherman.
(16) Brigham.	Utah	Counties of Box Elder and Cache.
(17) Yakima.	Washington	County of Yakima.
(18) Casper.	Wyoming	County of Natrona.
(19) Alaska.	Alaska	Territory of Alaska in its entirety.

<sup>1</sup> The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Bainbridge-Cairo, Georgia Defense-Rental Area." "Modesto Defense-Rental Area."

§ 1388.1252 *Necessity.* The necessity for the stabilization or reduction of rents for defense-area housing accommodations in the defense-rental areas designated in § 1388.1251 is as follows:

The designated areas now are or will be the location of establishments of the armed forces of the United States or war production industries. An increase in employment has taken place in most of these areas and is about to take place in the other areas. Such increases in employment reflecting the expansion of war activities have resulted or threaten to result in increased demands for rental housing accommodations by persons residing in these areas.

In each of the designated areas defense activities have resulted or threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942. As war activities continue to expand, the demand for housing accommodations will become more extensive, and further rent increases and threatened rent increases will materialize unless prevented. Accordingly, it is necessary that rents for such housing accommodations in each of the designated areas be reduced or stabilized.

§ 1388.1253 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within any of the defense-rental areas designated in § 1388.1251 inconsistent with the purposes of the Act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within each of the designated areas on or about March 1, 1942. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs.

It is the judgment of the Price Administrator that the recommendations herein-after set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization or reduction of rents for housing accommodations within each of the designated defense-rental areas are as follows:

(a) The maximum rent for housing accommodations rented on March 1, 1942 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent for housing accommodations not rented on March 1, 1942. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the particular area on March 1, 1942.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1254 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within any defense-rental area designated in § 1388.1251 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Ad-

ministrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1255 *Effective date.* This designation and rent declaration (§§ 1388.1251 to 1388.1255, inclusive) shall become effective May 26, 1942.

Issued this 26th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-4884; Filed, May 26, 1942;  
11:48 a. m.]

#### PART 1499—COMMODITIES AND SERVICES [Amendment 1 to Supplementary Regulation 4<sup>1</sup>]

##### GENERAL MAXIMUM PRICE REGULATION— EXCEPTIONS

A statement of the considerations involved in the issuance of this Amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new subparagraph (14) is added to paragraph (a) and a new subparagraph (3) is added to paragraph (c), as set forth below:

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:  
\* \* \*

(14) Sales or deliveries after May 17, 1942 of any imported commodity to the United States or any agency thereof or to any person who will use the imported commodity purchased by him to fulfill a contract with the United States or any agency thereof or a sub-contract under such a contract.

\* \* \* \* \*

(c) *Definitions.* \* \* \* \* \*  
(3) "Imported commodity" means any commodity brought into the continental United States from outside the continental United States or brought into any territory or possession of the United States from outside such territory or possession.

(d) \* \* \* \* \*

(2) Amendment No. 1 (§ 1499.29a (14), c (3)), to Supplementary Regulation No. 2 (§ 1499.29) shall become effective May 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-4882; Filed, May 26, 1942;  
11:48 a. m.]

<sup>1</sup> 7 F.R. 3724.



## TITLE 41—PUBLIC CONTRACTS

## Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE  
DETERMINATIONSIN THE MATTER OF AN AMENDMENT TO THE  
DETERMINATION OF THE PREVAILING MINIMUM  
WAGE IN THE TEXTILE INDUSTRY

This matter is before me pursuant to a Notice of Opportunity to Show Cause (7 F.R., 3102) issued by the Assistant Administrator of Public Contracts on April 24, 1942, under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C., sec. 35) why I should not modify my previous determination (6 F.R., 5852) issued on November 17, 1941, that the prevailing minimum wage in the Textile Industry is thirty-seven and one-half (37½) cents an hour:

(1) By finding that the prevailing minimum wage in the industry is now forty (40) cents an hour; and

(2) By adopting the present definition of the industry under the Fair Labor Standards Act of 1938.

The notice was predicated upon evidence before the Department of Labor showing that substantially all members of the Textile Industry are engaged in commerce or in the production of goods for commerce and are subject to a Wage Order, issued by the Administrator of the Wage and Hour Division on April 2, 1942, effective April 20, 1942, under the Fair Labor Standards Act of 1938, defining the Textile Industry and providing that the minimum wages paid by employers in the industry must be at least forty (40) cents an hour, which has the effect of establishing forty (40) cents per hour as the prevailing minimum wage in the Textile Industry within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice was sent to members of the industry, to trade unions, trade associations, and publications, and was duly published in the FEDERAL REGISTER. No objections or protests to the proposed action have been received.

Upon consideration of the facts and circumstances,

I hereby determine that:

§ 202.43 *Textile industry*.<sup>1</sup> For the purpose of this determination the term "Textile Industry" means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in paragraphs (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of

waste from the fibers enumerated in paragraph (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, lunch-cloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in paragraph (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in paragraph (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

The minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C., sec. 35) for the manufacture or furnishing of the products of the Textile Industry shall be forty (40) cents an hour or sixteen dollars (\$16.00) for a week of forty (40) hours, arrived at on a time or piece work basis.

*Provided*, That learners, handicapped workers, and apprentices may be employed, and deductions from the wages of employees may be made in accordance with the present regulations under the Fair Labor Standards Act of 1938, which I hereby adopt for the purpose of this wage determination.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938, or any wage order thereunder, or any other law or agreement more favorable to employees than the requirements of this determination.

Nothing in this determination shall be interpreted as abrogating any obligation that may have occurred under the previous determination for the industry or under the prevailing minimum wage determination for the manufacture of bobbinets which is covered by the present definition of the Textile Industry.

This determination shall be effective and the minimum wage herein established shall apply to contracts subject to the Walsh-Healey Public Contracts Act for the products of the Textile Industry, bids for which are solicited or negotiations commenced by the contracting agency on or after June 24, 1942.

Dated: May 25, 1942.

D. W. TRACY,  
Acting Secretary.

[F. R. Doc. 42-4831; Filed, May 26, 1942;  
11:44 a. m.]

## TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and  
NavigationSubchapter O—Regulations Applicable to Certain  
Vessels and Shipping During EmergencyPART 160—HULL CONSTRUCTION,  
ALTERATIONS

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency, is amended by the addition of a new Part 160, *Hull Construction, Alterations*, reading as follows:

§ 160.1 *Hull construction, alterations*. The provisions of § 32.2-1 of this chapter, insofar as they apply to material, are hereby suspended to permit approval of the construction, conversion and certification of tank barges, the hulls of which are constructed of materials other than iron or steel, for use in the transportation of inflammable and combustible cargo in bulk for a period not to extend beyond the state of national emergency proclaimed by the President on May 27, 1941. R.S. 4405, 4417 (a), as amended; 46 U.S.C. 375, 391 (a); E.O. 9083; 7 F.R. 1609.

R. R. WAESCHE,  
Vice Admiral, U. S. Coast Guard,  
Commandant.

MAY 25, 1942.

[F. R. Doc. 42-4835; Filed, May 26, 1942;  
11:43 a. m.]

## Notices

## TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public  
Debt.

[1942 Dept. Circ. 638]

1½ PERCENT TREASURY NOTES OF SERIES  
B-1946

MAY 25, 1942.

## I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites sub-

<sup>1</sup> 6 F.R. 5852.



scriptions, at par, from the people of the United States for notes of the United States, designated 1½ percent Treasury Notes of Series B-1946, in payment of which only Home Owners' Loan Corporation 2¼-percent bonds, Series G 1942-44, called for redemption on July 1, 1942, or Reconstruction Finance Corporation 1 percent notes of Series S, maturing July 1, 1942, may be tendered. The amount of the offering under this circular will be limited to the amount of such Series G bonds and Series S notes tendered and accepted.

## II. DESCRIPTION OF NOTES

1. The notes will be dated June 5, 1942, and will bear interest from that date at the rate of 1½ percent per annum, payable on a semiannual basis on December 15, 1942, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1946, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. The notes will not be issued in registered form.

6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

## III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

## IV. PAYMENT

1. Payment at par for notes allotted hereunder must be made on or before June 5 1942, or on later allotment, and may be made only in Home Owners' Loan Corporation bonds of Series G 1942-44, called for redemption on July 1, 1942, or in Reconstruction Finance Corporation notes of Series S, maturing July 1, 1942, which will be accepted at par, and should accompany the subscription. Coupons dated July 1, 1942, must be attached to bearer securities of either issue when surrendered, and accrued interest from January 1, 1942, to June 5, 1942 (\$9.63398 per \$1,000 in the case of Series G bonds and \$4.28177 per \$1,000 in the case of Series S notes) will be paid following acceptance of the securities. In the case of the Series G registered bonds, checks in payment of accrued interest will be drawn in accordance with the assignments on the bonds surrendered.

## V. SURRENDER OF CALLED BONDS

1. *Coupon bonds.* Home Owners' Loan Corporation bonds of Series G 1942-44 in coupon form tendered hereunder should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington, D. C. Coupons dated July 1, 1942, and all coupons bearing subsequent dates, should be attached to such bonds when surrendered, and if any such coupons are missing, the subscription must be accompanied by cash payment equal to the face amount of the missing coupons. The bonds must be delivered at the expense and risk of the holder. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents.

2. *Registered bonds.* Home Owners' Loan Corporation bonds of Series G 1942-44 in registered form tendered hereunder should be assigned by the registered payee or assignee thereof to "The Secretary of the Treasury for exchange for Treasury Notes of Series B-1946 to be delivered to \_\_\_\_\_", and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holder.

## VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions al-

lotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 42-4817; Filed, May 25, 1942;  
3:54 p. m.]

## WAR DEPARTMENT.

[Civilian Exclusion Order No. 2]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREAS

MARCH 30, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2<sup>1</sup>, this headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that all persons of Japanese ancestry, including aliens and non-allens, be excluded on or before 12 o'clock noon P. W. T., of Sunday, April 5, 1942, from those portions of Military Area No. 1 in the State of California described as follows:

*Affected area No. 1.* Beginning at a point in the Pacific Ocean 3 miles west of the point in Los Angeles County, California, at which the northerly limits of the City of Redondo Beach meet the Pacific Ocean; thence, commencing in an easterly direction and following the boundary limits of the City of Redondo Beach to the intersection thereof with the southerly line of Torrance Boulevard; thence in an easterly direction along the southerly line of Torrance Boulevard to the point where the same intersects the westerly line of Cabrillo, in the City of Torrance; thence in a southerly direction along the westerly line of Cabrillo to the point where the same intersects the southerly line of Carson Street; thence in an easterly direction along the southerly line of Carson Street to the point where the same intersects the westerly line of Alameda Street; thence in a southerly direction along the westerly line of Alameda Street to the point where the same intersects Ford Boulevard; thence in a southerly direction along the westerly line of Ford Boulevard and along Ford Boulevard extended to a point in the Pacific Ocean 3 miles seaward of the Continental Limits of the United States; thence commencing in a southwesterly direction and following a line 3 miles seaward of the Continental Limits of the United States to the point of beginning.

*Affected area No. 2.* Beginning at the point in Los Angeles County, California,

<sup>11</sup> 7 F.R. 2320.

<sup>12</sup> 7 F.R. 2405.



where the westerly line of Alameda Street intersects the southerly line of California State Highway No. 14 (also known as Artesia Street and Artesia Avenue); thence in an easterly direction along the southerly line of California State Highway No. 14 to the easterly boundary line of Los Angeles County; thence commencing southerly and following the easterly boundary line of Los Angeles County to a point in the Pacific Ocean 3 miles seaward of the Continental Limits of the United States; thence westerly along a line 3 miles seaward of the Continental Limits of the United States to a point in the Pacific Ocean, 3 miles seaward of the westerly line of Ford Boulevard extended; thence northerly along the westerly line of Ford Boulevard extended and Ford Boulevard to the point, where the same intersects the westerly line of Alameda Street; thence northerly along the westerly line of Alameda Street to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above-described affected areas will report between the hours of 8:00 a. m. and 5:00 p. m., Tuesday, March 31, 1942, or during the same hours on Wednesday, April 1, 1942, to their respective Civil Control Stations located at:

*Affected area No. 1.* United States Employment Service Office, 362 West Seventh Street, San Pedro, California.

*Affected area No. 2.* Japanese Presbyterian Church, 1333 Locust Avenue, Long Beach, California.

3. Any person affected by this order who fails to comply with any of its provisions or with the provision of published instructions pertaining hereto, or who is found in the above restricted areas after 12 o'clock noon, P. W. T., of Sunday, April 5, 1942, will be subject to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing Any Act in Military Areas or Zone," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-4853; Filed, May 26, 1942;  
10:58 a. m.]

[Civilian Exclusion Order No. 3]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO  
PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—MILITARY AREA NO. 1

MARCH 30, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2<sup>2</sup> this headquarters, dated March 2, 1942, and March

No. 103—5

6, 1942,<sup>3</sup> respectively, it is hereby ordered that all persons of Japanese ancestry, both aliens and non-aliens, who were, prior to March 23, 1942, wholly dependent upon and resident with, and who are the wives, unmarried or dependent natural and adopted children, wards, stepchildren, fathers, mothers and other dependent relatives, of those certain male Japanese aliens and non-aliens, who on or about said date departed from Military Area No. 1, more particularly Los Angeles, California, and vicinity for, and are now located at, the Manzanar Reception Center, Manzanar, California, be, and the same hereby are, excluded from Military Area No. 1, from and after 12:00 o'clock noon, P. W. T., of the second day of April, 1942.

2. A responsible member of each such family group referred to in Paragraph 1 above will report for instructions between the hours of 8:00 A. M. and 5:00 P. M. Monday, March 30, 1942, to the Civil Control Station located at 707 South Spring Street, Los Angeles, California.

3. Any person affected by this Order who fails to comply with any of its provisions, or with any of the published instructions pertaining hereto, or who is found in Military Area No. 1 after 12:00 o'clock noon, P. W. T., of Thursday, April 2, 1942, will be subject to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide A Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing Any Act in Military Areas or Zone," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-4854; Filed, May 26, 1942;  
10:58 a. m.]

[Civilian Exclusion Order No. 4]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—SAN DIEGO COUNTY, CALIFORNIA

APRIL 1, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2<sup>2</sup> this headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that all persons of Japanese ancestry, including aliens and non-aliens, be excluded on or before 12 o'clock noon, P. W. T., of Wednesday, April 8, 1942, from that portion of Military Area No. 1

<sup>1</sup> 7 F.R. 2320.

<sup>2</sup> 7 F.R. 2405.

<sup>3</sup> As stated in authenticated copy. However, correct date of Public Proclamation No. 2 is March 16, 1942.

in the State of California described as follows:

All of San Diego County, California, south of a line extending in an easterly direction from the mouth of the San Dieguito River (northwest of Del Mar), along the north side of the San Dieguito River, Lake Hodges, and the San Pasqual River to the bridge over the San Pasqual River at or near San Pasqual; thence easterly along the southerly line of California State Highway No. 78 through Ramona and Julian to the eastern boundary line of San Diego County.

2. A responsible member of each family, and each individual living alone, in the above described affected area will report between the hours of 8:00 a. m. and 5:00 p. m., Thursday, April 2, 1942, or during the same hours on Friday, April 3, 1942, to the Civil Control Station located at 1919 India Street, San Diego, California.

3. Any person affected by this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto, or who is found in the above restricted area after 12 o'clock noon, P. W. T., of Wednesday, April 8, 1942, will be subject to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing Any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-4855; Filed, May 26, 1942;  
10:59 a. m.]

[Civilian Exclusion Order No. 5]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

APRIL 1, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2<sup>2</sup> this headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that all persons of Japanese ancestry, including aliens and non-aliens, be excluded from and after 12 o'clock noon, P. W. T., of Tuesday, April 7, 1942, from that portion of Military Area No. 1 in the State of California described as follows:

All that portion of the City and County of San Francisco, State of California, lying generally west of the north-south line established by Junipero Serra Boule-



vard, Worchester Avenue, and Nineteenth Avenue, and lying generally north of the east-west line established by California Street, to the intersection of Market Street, and thence on Market Street to San Francisco Bay.

2. A responsible member of each family, and each individual living alone, in the above described affected area will report between the hours of 8:00 a. m. and 5:00 p. m., Thursday, April 2, 1942, or during the same hour: on Friday, April 3, 1942, to the Civil Control Station located at 1701 Van Ness Avenue, San Francisco, California.

3. Any person affected by this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto, or who is found in the above restricted area after 12 o'clock noon, P. W. T., of Tuesday, April 7, 1942, will be subject to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing Any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-4856; Filed, May 26, 1942;  
10:59 a. m.]

[Civilian Exclusion Order No. 19]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—COUNTIES OF CONTRA COSTA AND ALAMEDA, STATE OF CALIFORNIA

APRIL, 24, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2,<sup>2</sup> this headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Friday, May 1, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of those portions of the Counties of Contra Costa and Alameda, State of California, within the boundary beginning at Carquinez Strait; thence southerly on U. S. Highway No. 40 to its intersection with California State Highway No. 4, at or near Hercules; thence easterly on said Highway No. 4 to its intersection with California State Highway No. 21; thence southerly on said Highway No. 21 to its intersection with California State Highway No. 24, at Walnut Creek; thence westerly on said

Highway No. 24 to the southerly limits of the City of Berkeley; thence following the said southerly city limits to San Francisco Bay; thence northerly and following the shore line of San Francisco Bay, through San Pablo Strait, and San Pablo Bay, to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Saturday, April 25, 1942, or during the same hours on Sunday, April 26, 1942, to the Civil Control Station located at 2345 Channing Way, Berkeley, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Friday, May 1, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,  
Lieutenant General, U. S. Army,  
Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-4857; Filed, May 26, 1942;  
11:00 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-138]

THEODORE FORSBERG, CODE MEMBER

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated November 7, 1941, having been filed on November 14, 1941, by the Bituminous Coal Producers Board for District No. 1, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by Theodore Forsberg, Anita, Pennsylvania, of the Bituminous Coal Code or rules and regulations thereunder; and

An Order having been issued herein on May 6, 1942, cancelling and revoking the code membership, after hearing on said complaint, of the said Theodore Forsberg, effective as of May 6, 1942; and said order having been duly served on the said Theodore Forsberg on May 13, 1942; and

The said Theodore Forsberg having filed with the Division on May 18, 1942, his application for restoration of his code membership to become effective simultaneously with the effective date of said cancellation and revocation of his code membership; and

It appearing from said application that the said Theodore Forsberg has paid to the Collector of Internal Revenue at Pittsburgh, Pennsylvania on May 14, 1942, the sum of \$212.36 pursuant to said Order dated May 6, 1942, as a condition precedent to the restoration of his code membership.

Now, therefore, it is ordered, That said application of Theodore Forsberg filed May 18, 1942, for restoration of his code membership be, and the same hereby is, granted.

It is further ordered, That said restoration of the code membership of Theodore Forsberg be effective simultaneously with the effective date of said order revoking and cancelling code membership.

Dated: May 25, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-4841; Filed, May 26, 1942;  
10:46 a. m.]

[Docket No. A-1177]

L. O. RYALS, CODE MEMBER

ORDER DENYING PETITION

In the matter of L. O. Ryals, a code member producer in District No. 15 for a reduction in the effective minimum price for mine run coal produced from the Ryals Mine, Mine Index No. 935, for truck shipments to all market areas, Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

A petition having been filed with the Bituminous Coal Division on November 24, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by L. O. Ryals, a code member in District No. 15, requesting a change of the effective minimum prices for lump coal, Size Groups 1, 2, 3, and 4, from \$2.30 per ton to \$2.10 per ton for truck shipments;

A hearing in this matter having been held pursuant to appropriate orders on April 15, 1942, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof at Kansas City, Missouri, at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation of a report by the Examiner having been waived by all parties and the matter thereupon being submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;<sup>1</sup>

Now, therefore, it is ordered, That the petition herein of L. O. Ryals, a code member in District No. 15, operating the Willett Mine, Mine Index No. 1419, praying for a revision of the effective minimum prices established for lump coal produced in his mine for truck shipments be, and the same hereby is, denied.

Dated: May 25, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-4842; Filed, May 26, 1942;  
10:47 a. m.]

<sup>1</sup> Not filed as part of the original document.

<sup>1</sup> 7 F.R. 2320

<sup>2</sup> 7 F.R. 2405.



PETITION OF DISTRICT BOARD 14—PARIS  
PURITY COAL Co.

[Docket No. A-1132]

ORDER TERMINATING PROCEEDING

In the matter of the petition of District Board No. 14 for revision of the effective price classifications and minimum prices for the coals produced at Mine Index No. 511 operated by Paris Purity Coal Company, a code member in District No. 14, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The above entitled matter having been heretofore scheduled for rehearing at Washington, D. C., on May 26, 1942; and

The original petitioner, District Board No. 14, having since filed a motion to dismiss the proceeding, without prejudice, and having shown good cause for such dismissal;

*Now, therefore, it is ordered*, That the hearing heretofore scheduled to be held in the matter at Washington, D. C. on May 26, 1942 be, and it hereby is, cancelled.

*It is further ordered*, That the original petition in the matter be, and it hereby is, dismissed, without prejudice, and that the proceeding be, and it hereby is, terminated.

Dated: May 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-4843; Filed, May 26, 1942;  
10:47 a. m.]

[Docket No. 1542-FD]

STUDER BROTHERS COAL COMPANY,  
DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORA-  
TION OF CODE MEMBERSHIP

A complaint dated January 22, 1941, in the above-entitled matter, pursuant to the provisions of section 4 II (j) of the Bituminous Coal Act having been duly filed on January 29, 1941, by the Bituminous Coal Producers' Board for District No. 4, with the Bituminous Coal Division (the "Division"), alleging that the defendant wilfully violated the provisions of the Bituminous Coal Code, (the "Code"), and the Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments (the "Schedule"); and

An order having been entered herein on July 11, 1941, revoking and cancelling the code membership of Studer Brothers Coal Company; and

Said order of revocation and cancellation of code membership having been duly served on Studer Brothers Coal Company on July 18, 1941; and

Studer Brothers Coal Company having, on May 13, 1942, filed with the Division, its application, dated May 11, 1942, for restoration of its code membership and it appearing from said application, and other information in the possession of the Division, that Studer Brothers Coal Company on April 28, 1942 paid to the Collector of Internal Revenue, Cleveland, Ohio, the sum of \$988.75 provided in said

Order dated July 11, 1941, as a condition precedent to the restoration of its code membership;

*Now, therefore, it is ordered*, That said application of Studer Brothers Coal Company for restoration of its code membership be, and the same hereby is, granted;

*It is further ordered*, That said restoration of the code membership of Studer Brothers Coal Company be, and the same hereby is effective as of April 28, 1942.

Dated: May 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-4844; Filed, May 26, 1942;  
10:47 a. m.]

[Docket No. B-259]

CLAUDE B. BRATCHER COAL MINE

ORDER POSTPONING HEARING AND REDESIG-  
NATING TRIAL EXAMINER

In the matter of Claude B. Bratcher, an individual, doing business under the name and style of Claude B. Bratcher Coal Mine, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on June 15, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Owensboro, Kentucky; and

The Acting Director deeming it advisable that said hearing should be postponed;

*Now, therefore, it is ordered*, That the hearing in the above-entitled matter be postponed from 10 a. m. June 15, 1942, until 1 p. m. June 18, 1942, at the Post Office Building, Owensboro, Kentucky.

*It is further ordered*, That Joseph A. Huston or any other officer of the Division duly designated for that purpose shall preside at said hearing vice Charles S. Mitchell.

Dated: May 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-4845; Filed, May 26, 1942;  
10:43 a. m.]

[Docket No. B-11]

TEN X COAL Co.

ORDER GRANTING APPLICATION FOR RESTORA-  
TION OF CODE MEMBERSHIP

In the matter of Walter V. Belsser, doing business as Ten X Coal Company, defendant.

A complaint, dated August 5, 1941, in the above-entitled matter, pursuant to the provisions of section 4 II (j) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on September 2, 1941, by the Bituminous Coal Producers Board for District No. 4, with the Bituminous Coal Division (the "Division"), alleging that the defendant wilfully violated the provisions of the Bituminous Coal Code (the "Code"), and the Schedule of Effective Minimum Prices for District No. 4, For Truck Shipments (the "Schedule"); and

An Order having been entered herein on April 22, 1942, revoking and cancelling the code membership of Walter V. Belsser, doing business as Ten X Coal Company, effective fifteen (15) days from the date of entry thereof; and

Said Order of Revocation and Cancellation of Code Membership having been duly served on Walter V. Belsser, doing business as Ten X Coal Company, on April 25, 1942; and

Walter V. Belsser, doing business as Ten X Coal Company, having on May 15, 1942, filed with the Division, his application dated May 13, 1942, for restoration of his code membership, and it appearing from said application that Walter V. Belsser, doing business as Ten X Coal Company, on May 11, 1942 paid to the Collector of Internal Revenue, Columbus, Ohio, the sum of \$1,052.74 provided in said Order dated April 22, 1942, as a condition precedent to the restoration of his code membership;

*Now, therefore, it is ordered*, That said application of said Walter V. Belsser, doing business as Ten X Coal Company for restoration of his code membership be, and the same hereby is, granted; and

*It is further ordered*, That said restoration of code membership of Walter V. Belsser, doing business as Ten X Coal Company shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: May 23, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-4846; Filed, May 26, 1942;  
10:43 a. m.]

[Docket Nos. A-1324, A-1327]

PETITIONS OF DISTRICT BOARD 3

ORDER SEVERING DOCKET NO. A-1324 FROM DOCKET NO. A-1327 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1324

In the matter of the petition of Bituminous Coal Producers Board for District No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

In the matter of the petition of Bituminous Coal Producers Board for District No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

On March 7, 1942, an Order was issued consolidating the above-entitled matter and granting temporary relief and conditionally providing that such temporary relief should become final sixty (60) days from the date thereof, unless it should be otherwise ordered. This Order, *inter alia*, established temporary and conditionally final price classifications and minimum prices for a mixture of coals from Mine Index Nos. 54 and 1241, of the Monongahela Rail and River Coal Corporation, a code member in District No. 3, for all shipments except truck.



On April 21, 1942, Bituminous Coal Consumers' Counsel filed with the Division a Petition of Intervention, Answer in Opposition to Temporary and Final Relief, and Motion for Severance, alleging that such price classifications and minimum prices for such mixture do not give due consideration to the interests of the consuming public and do not reflect the relative market value of the coal. The petition also prayed for the severance of the above-entitled matters, the termination of the said temporary relief as to such mixture or modification of such relief to establish temporary price classifications and minimum prices dependent upon the proportion of such coals in the mixture, and a hearing regarding the establishment of final effective price classifications and minimum prices for such mixture.

Upon the basis of the allegations of the petition, it appears that the prayer of the said petition and motion of the Bituminous Coal Consumers' Counsel should be granted, except as to the termination or modification of the temporary relief heretofore granted. As to such matter it does not appear that an adequate showing of necessity has been made for such termination or modification, pending the hearing.

Now, therefore, it is ordered, That Docket No. A-1324 be, and hereby is, severed from Docket No. A-1327.

It is further ordered, That the relief heretofore granted in the said Order of March 7, 1942, as to Mine Index Nos. 54 and 1241 shall remain in full force and effect until otherwise ordered.

It is further ordered, That a hearing in Docket No. A-1324 be held, under the applicable provisions of the Act and the Rules and Regulations of the Division, on June 25, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit to the Acting Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section

4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition, or in the petition of Bituminous Coal Consumers' Counsel, is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 20, 1942.

All persons are hereby notified, that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of Price Classifications "F" for the mixing and loading into the same car of coals produced at Mine Index Nos. 54 and 1241 of Monongahela Rail and River Coal Corporation for all shipments except truck.

Dated: May 23, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-4847; Filed, May 26, 1942;  
10:48 a. m.]

[Dockets Nos. A-1430, A-1431]

CONSOLIDATION COAL CO. AND B & H COAL  
Co.

ORDER OF CONSOLIDATION AND ORDER CHANG-  
ING SHIPPING POINTS

In the matter of the petition of Consolidation Coal Company and B & H Coal Company (E. H. Burke), code member producers in District No. 3, for changes in shipping points of coals of mine index Nos. 403 and 285, respectively, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Original petitions having been duly filed with the Division by the above-named parties, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting changes in the shipping points for the coals of Mine Index Nos. 403 and 285, respectively; and

It appearing that the above-entitled matters raise similar and related issues, that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, and that no petitions of intervention have been filed with this Division in the above-entitled matters, and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices For District

No. 3 For All Shipments Except Truck is supplemented to make the price classifications and minimum prices effective for the coals of Mine Index Nos. 403 and 285 in District No. 3 from the shipping points and in the freight origin group numbers appearing in the schedule marked "Supplement R," annexed hereto and hereby made a part hereof, in place of the shipping points and freight origin groups heretofore assigned for these mines.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Acting Director shall otherwise order.

Dated: May 19, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-4848; Filed, May 26, 1942;  
10:48 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### APPAREL INDUSTRY

#### CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that a special certificate issued to the Glo Manufacturing Company, Greenville, Alabama, for the effective period June 16, 1941, to October 13, 1941, and authorizing the employment of not in excess of thirty learners at any one time, has been ordered cancelled as of its effective date, by reason of misrepresentations made to obtain the certificate and because of violation of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party, pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, this 22d day of May 1942.

ALEX G. NORDHOLM,  
Duly Authorized Representative  
of the Administrator.

[F. R. Doc. 42-4831; Filed, May 26, 1942;  
10:10 a. m.]



## APPAREL INDUSTRY

DENIAL OF APPLICATION TO RECONSIDER THE  
CANCELLATION OF SPECIAL CERTIFICATE  
TO EMPLOY LEARNERS

Notice is hereby given that an application by the Universal Coat Company, Gloucester, Massachusetts, dated May 7, 1942, to reconsider the cancellation of a Special Certificate to Employ Learners, effective December 31, 1940, has been denied for failure to show reasonable grounds why alleged new evidence was not adduced in the original proceedings.

Any person aggrieved by this action may, within fifteen days after publication of this notice, file a petition for review pursuant to § 522.13 of the Regulations.

Signed at New York, New York this 21st day of May 1942.

ALEX G. NORDHOLM,  
*Duly Authorized Representative  
of the Administrator.*

[F. R. Doc. 42-4828; Filed, May 26, 1942;  
10:11 a. m.]

ISSUANCE OF SPECIAL CERTIFICATES FOR THE  
EMPLOYMENT OF LEARNERS UNDER THE  
FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective May 25, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

John Hensel, 413 25th St., Union City, New Jersey; Embroidery on handkerchiefs; 1 learner; 6 weeks for any one learner; 28 cents per hour; Spanner-helper; November 25, 1942.

S. C. Redshaw Company, 130 Canal Street, Ansonia, Connecticut; Set-up paper boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring, and slitting; November 25, 1942.

Mrs. T. H. Souderer, 707 22nd St., Union City, New Jersey; Embroidery on handkerchiefs and pillow cases; 1 learner; 6 weeks for any one learner;

28 cents per hour; Spanner-helper; November 25, 1942.

Utica Knitting Company-Paper Box Shop, Erie St. & Kellogg Ave., Utica, New York; Set-up paper boxes; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring, and slitting; November 25, 1942.

Warren-Nicholson Company, 1730 Rockingham Rd., Davenport, Iowa; Set-up paper boxes; 5 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; November 25, 1942.

Wolfshelm and Sachs, Inc., 60 Grosvenor St., Buffalo, New York; Jewelry boxes; 10 percent; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations except cutting, scoring, and slitting; November 25, 1942.

Signed at New York, N. Y., this 23d day of May 1942.

MERLE D. VINCENT,  
*Authorized Representative  
of the Administrator.*

[F. R. Doc. 42-4829; Filed, May 26, 1942;  
10:10 a. m.]

ISSUANCE OF SPECIAL CERTIFICATES FOR THE  
EMPLOYMENT OF LEARNERS UNDER THE  
FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms

and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective May 25, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

## Apparel

William Lipson and Co., 116 Harrison Avenue, Boston, Massachusetts; Men's and boys' finger tip coats; 5 learners (T); May 25, 1943.

Maple Manufacturing Co., Inc., 811-23 Cherry Street, Philadelphia, Pennsylvania; Athletic Uniforms; 5 learners (T); May 25, 1943.

The More Manufacturing Co., 224 South Market Street, Chicago, Illinois; Quilted robes, Sportswear, Housecoats; 5 learners (T); May 25, 1943.

Jake E. Moskowitz, 342 S. Broadway, Los Angeles, California; Western clothes; 2 learners (T); May 25, 1943.

Ratner Mfg. Co., 730 13th St., San Diego, California; Pant Sailor Uniform and caps, C. P. O. wraps and cap covers, officers khaki cotton uniforms; 5 percent (T); May 25, 1943.

Seattle Cap & Apparel Mfg. Co., 83 Columbia Street, Seattle, Washington; Caps, slacks, lounging robes; 5 learners (T); May 25, 1943.

Stoughton Garment Co., Stoughton, Wisconsin; Men's woolen, rayon, cotton trousers, sport shirts and sport jackets; 5 learners (T); May 25, 1943.

Frank Thomas Co., Inc., Norfolk, Virginia; N. S. N. white uniforms; 5 learners (T); May 25, 1943.

H. W. Wolfe DBA Starlet Robes, 3450 Pasadena Avenue, Los Angeles, California; Robes; 3 learners (T); May 25, 1943.

Chicago Rubber Clothing Co., 1501 Albert Street, Racine, Wisconsin; Rainwear and sportswear; 10 percent (T); May 25, 1943.

Chicago Rubber Clothing Co., 1501 Albert Street, Racine, Wisconsin; Rainwear and sportswear; 60 learners (E); November 25, 1942.

## Single Pants, Shirts and Allied Garments and Women's Apparel

Allen Garment Co., Inc., 706 19th Avenue North, Nashville, Tennessee; Men's and boys' cotton and flannel wash shirts; 10 percent (T); May 25, 1943.

American Brassiere Co., 44 West 28th Street, New York, New York; Girdles, Corsets and Brassieres; 10 percent (T); November 25, 1942.

Louis Bendet Co., 31 Wilkinson Avenue, Jersey City, New Jersey; Ladies' cotton pajamas and gowns; 10 percent (T); May 25, 1943.

Brooks Mfg. Co., Inc., Spruce Street, Mt. Carmel, Pennsylvania; Dresses; 10 percent (T); May 25, 1943.



Dainty Frock Co., 206 South Market Street, Chicago, Illinois; Street dresses, women's undergarments; 10 percent (T); May 25, 1943.

Dante Dress Co., 747 Spring Garden Street, Philadelphia, Pennsylvania; Ladies' dresses, blouses, children's dresses; 5 learners (T); May 25, 1943.

The Davidson Brothers Corp., Royal Square, Riverpoint, Rhode Island; Ladies' rayon underwear; 10 percent (T); May 25, 1943.

Derby Underwear Co., Inc., Church Street, Bowling Green, Kentucky; Men's woven underwear; 10 percent (T); May 25, 1943.

Elder Mfg. Co., 703 North 13 St., St. Louis, Missouri; Men's & boys' shirts and pants; 10 percent (T); May 25, 1943.

Faultless Pants Corp., 420 Pine St., Scranton, Pa.; Men's pants; 10 percent (T); May 25, 1943.

Moe Feldman, 1015 Clinton St., Hoboken, N. J.; Ladies' slips; 10 learners (T); May 25, 1943.

Morris W. Fisher, 3218 Main St., Springfield, Mass.; Shop Aprons; 1 learner (T); November 25, 1942.

Fishman & Tobin, 46-50 Elmer St., Bridgeton, N. J.; Boy's wash suits; 10 learners (T); May 25, 1943.

Friedman & Shickman, 1104 Washington Ave., St. Louis, Missouri; Dresses; 6 learners (T); November 25, 1942.

H. S. Petticoat Co., Inc. 146 Lincoln St., Boston, Mass.; Ladies undergarments, silk and rayon slips and gowns; 6 learners (T); May 25, 1943.

Hebron Mfg. Co., Hebron, Maryland; Children's slacks and dresses; 10 percent (T); May 25, 1943.

William Heller, 15 East 16th St., New York, N. Y.; Night gowns; 10 learners (E); November 25, 1942.

Jaffee Bros., 94-21 Merrick Road, Jamaica, New York; Overalls, slacks and slack sets, shorts; 10 percent (T) May 25, 1943.

Morris Kazan, 232 N. 11th St., Philadelphia, Pa.; Blouses and cotton dresses; 10 percent (T); May 25, 1943.

Kingsley Fashion, Inc., 38 Broadway, Kingston, New York; Ladies' dresses; 10 learners (T); May 25, 1943.

Knickerbocker Mfg. Co., Inc., W. Main St., West Point, Mississippi; Men's pajamas, athletic underwear; 30 learners (E); November 25, 1942. (This certificate replaces the one bearing the expiration date of September 30, 1942)

La Mode Garment Co., 108 Lawrence St., Brooklyn, N. Y.; Ladies' woven underwear; 5 learners (T); May 25, 1943.

George Livingston, Inc., 232 N. 11th St., Philadelphia, P.; Ladies' sport shirts; 10 percent (T); May 25, 1943.

The Mack Shirt Corp., 1416 Vine St., Cincinnati, Ohio; Shirts and sport shirts; 10 learners (T); May 25, 1943.

Maiden Form Brassiere Co. Inc., 154 Ave. E, Bayonne, N. J.; Brassieres, 10 percent (T); May 25, 1943.

Milco Undergarment Co., Susquehanna Ave., Berwick, Pa.; Princess slips; 10 percent (T); May 25, 1943.

Milco Undergarment Co., 550 East 5th St., Bloomsburg, Pa.; Princess slips and panties; 10 percent (T); May 25, 1943.

Novick and Kahn, 31 West 27th St., N. Y., N. Y.; Ladies knitted girdles; 10 percent (T); November 25, 1942.

Perfect Negligee Co., 16 East 34th St., N. Y., N. Y.; Mattress covers and pillow cases; 10 percent (T); November 25, 1942.

Pinewood Mfg. Co., 148 Middle St., Portland, Maine; Sun suits, shorts, overalls, jackets; 10 percent (T); May 25, 1943.

Royal Maid Co., Inc., 325 West Adams St., Chicago, Illinois; Robes, Housecoats, Pajamas, Sportswear; 5 learners (T); May 25, 1943.

J. H. Rudolph & Co., 812-818 East Locust Street, DeKalb, Illinois; Slacks and skirts; 5 learners (T); May 25, 1943.

S & S Manufacturing Co., 288 Plymouth Avenue, Fall River, Massachusetts; Contractor of children's cotton; 5 learners (T); May 25, 1943.

H. A. Satin & Co., Inc., 311 N. Desplaines St., Chicago, Illinois; Wash dresses and slacks; 10 percent (T); May 25, 1943.

Secor Mfg. Co., Inc., 435 Van Houten Avenue, Passaic, New Jersey; Ladies' slips and underwear; 10 learners (T); May 25, 1943.

Shawnee Garment Mfg. Co., 115½ N. Bell Street, Shawnee, Oklahoma; Work clothing; 10 percent (T); May 25, 1943.

Southern Belle Garment Co., Inc., Glennville, Georgia; Dresses; 22 learners (E); November 25, 1942.

Spitzer Sportswear, 13 E. 17 St., New York, New York; Ladies washable wear and slacks; 5 learners (T); November 25, 1942.

Style Specialists, Inc., 12th & Laurel Streets, Pottsville, Pennsylvania; H. B. Twill Jackets; 10 percent (T); May 25, 1943.

Supreme Kiddie Togs, Inc., 216 Union St., Hackensack, New Jersey; Boys' wash suits, children's sportswear; 10 percent (T); May 25, 1943.

Tiny Angel Frocks, 825 Arch Street, Philadelphia, Pennsylvania; Children's dresses, playsuits, sportswear; 5 learners (T); May 25, 1943.

Uniform Garment Mfg. Co., 325 So. Main Street, Fort Worth, Texas; Cotton Uniforms; 5 learners (T); May 25, 1943.

E. Wagman & Son, 809 North 19 St., Philadelphia, Pennsylvania; Girls' dresses; 7 learners (T); May 25, 1943.

Wayne Garment Company, Main and Center Streets, Forest City, Pennsylvania; Children's outerwear; 5 learners (T); May 25, 1943.

#### Gloves

Amsterdam Glove Corp., 96 Guy Park Avenue, Amsterdam, New York; Gloves; 10 learners (E); November 25, 1942. (Leather Dress and Knit Fabric Gloves.)

Century Glove Corp., 200 Wright St., Newark, New Jersey; Work gloves; 10 percent (T); May 25, 1943.

Dinberg Glove Corp., 215 Gilbert St., Ogdensburg, New York; Leather Dress

Gloves; 5 learners (T); November 25, 1942.

Knoxville Glove Company, 815 McGhee Avenue, Knoxville, Tennessee; Work Gloves; 5 percent (T); May 25, 1943.

Ranru Gloves, Bridge & New Streets, St. Johnsville, New York; Knit Fabric Gloves; 5 learners (T); May 25, 1943.

J. M. Rubin & Sons, Inc., 51 East Fulton St., Gloversville, New York; Leather Dress Gloves; 1 learner (T); November 25, 1942.

Sternwild Knitting Mills, Inc., 257 So. Broadway, Yonkers, New York; Knit Wool Gloves; 10 percent (T); May 25, 1943.

Sutton's, 30 S. Melcher St., Johnstown, New York; Leather Dress Gloves; 25 learners (E); November 25, 1942.

Warlong Glove Mfg. Co., Conover, North Carolina; Work Gloves; 5 percent (T); May 25, 1943.

#### Hosiery

Asheboro Hosiery Mills, Inc., Asheboro, North Carolina; Seamless and Full-fashioned hosiery; 5 percent (T); May 25, 1943.

Carpenter Hosiery Mills, Wytheville, Virginia; Seamless hosiery; 5 learners (T); January 25, 1943.

John E. Dakin Corp., Second and Arch Streets, Milton, Pennsylvania; Full-fashioned hosiery; 6 learners (T); May 25, 1943. (This certificate replaces the one bearing the expiration date of July 21, 1942.)

Gulford Hosiery Mills, 706 Grimes Street, High Point, North Carolina; Seamless Hosiery; 10 percent (T); May 25, 1943. (This certificate replaces the one issued on November 20, 1941.)

#### Knitted Wear

J. H. Auchmuty, E. Broad Street, Tam-aqua, Pennsylvania; Knitted Underwear; 125 learners (E); November 25, 1942.

Cacoosing Knitting Co., 301-303 S. Hull St., Sinking Spring, Pennsylvania; Knitted Underwear; 5 learners (T); May 25, 1943.

Century Mills, New Jersey Avenue, Riverside, New Jersey; Knitted Underwear; 15 learners (E); November 25, 1942.

Peter Freund, 5625 Hudson Boulevard, North Bergen, New Jersey; Knitted Outerwear; 10 percent (T); May 18, 1943. (Effective date May 18, 1942.)

Glory Knitting Mills, Penn Avenue & Willow St., Robesonia, Pennsylvania; Men's and boys' knitted sweaters; 6 learners (T); May 25, 1943.

#### Textile

Kahn & Feldman, Inc., 360 Suydam St., Brooklyn, New York; Thrown Rayon; 25 learners (E); November 25, 1942.

Luray Textile Corp., Hawksbill St. Luray, Virginia; Thrown Rayon and Synthetic Yarns; 30 learners (E); November 25, 1942.

Middleburg Mills, Middleburg, Pennsylvania; Rayon yarn and cloth; 6 learners (T); May 25, 1943. (This certificate



replaces the one issued on October 16, 1941.)

Ru-Nell Spread Company, Rt. #3, Rockmart, Georgia; Cotton Chenille Bedspreads; 10 learners (T); May 25, 1943. (This certificate replaces the one issued to the Fair Mont Spread Company bearing the expiration date of December 22, 1941.)

Signed at New York, N. Y. this 23d day of May 1942.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 42-4830; Filed, May 26, 1942;  
10:10 a. m.]

## FEDERAL POWER COMMISSION.

[Project No. 1855]

BELLOWS FALLS HYDRO-ELECTRIC CORPORATION, CONNECTICUT RIVER POWER COMPANY, AND NEW ENGLAND POWER COMPANY

ORDER TO SHOW CAUSE, VACATING ORDER  
AUTHORIZING ISSUANCE OF LICENSE AND  
FIXING DATE OF HEARING

MAY 23, 1942.

Upon consideration of the application for license filed herein by Bellows Falls Hydro-Electric Corporation, as amended and supplemented, and of the record of the proceeding in the Matter of Bellows Falls Hydro-Electric Corporation, et al., Docket No. IT-5584;

It appearing that:

(a) Pursuant to the Commission's order of March 4, 1941, in the proceeding in the Matter of Bellows Falls Hydro-Electric Corporation, et al., Docket No. IT-5584, said Corporation applied for a license for a constructed hydroelectric project on the Connecticut River near Bellows Falls, Vermont, in Windham and Windsor Counties, Vermont, and in Cheshire and Sullivan Counties, New Hampshire, whereupon the Commission on May 6, 1942, in the present proceeding, designated as In the Matter of Bellows Falls Hydro-Electric Corporation, Project No. 1855, authorized issuance of a license for that project;

(b) A two-circuit 110,000-volt transmission line leads from the project switching station in or near Bellows Falls, Vermont, to Walpole, New Hampshire, and thence to Pratts Junction, Massachusetts, portions of said line being owned by Bellows Falls Hydro-Electric Corporation, Connecticut River Power Company, a New Hampshire corporation, and New England Power Company, a Massachusetts corporation;

(c) The transmission line referred to in paragraph (b) above, is a primary line transmitting power from the power house and appurtenant works and structures of Bellows Falls project to the point of junction with the interconnected primary transmission system, and as such is a necessary part of the complete Bellows Falls project although not included in the project works specified in the application for license, as amended;

(d) Connecticut River Power Company and New England Power Company should be made parties to the present proceeding and afforded an opportunity to be heard on why they should not join in the application for license for said Bellows Falls project;

(e) Evidence in the record in the proceeding in the Matter of Bellows Falls Hydro-Electric Corporation, et al., Docket No. IT-5584, is relevant and material to the issues presented in the present proceeding;

(f) The order of May 6, 1942, authorizing issuance of a license for Project No. 1855 should be vacated;

The Commission orders that:

(a) The order of May 6, 1942, be and it is hereby vacated;

(b) Bellows Falls Hydro-Electric Corporation, Connecticut River Power Company and New England Power Company shall each show cause, if any there be, in writing and under oath, to be filed not later than June 1, 1942;

(i) Why Connecticut River Power Company and New England Power Company should not be made parties to the present proceedings;

(ii) Why the record before the Commission in proceeding Docket No. IT-5584, in the Matter of Bellows Falls Hydro-Electric Corporation and Connecticut River Power Company, should not be made a part of the record in the present proceeding;

(c) A public hearing be held on the issues raised by the responses to this order on June 3, 1942, beginning at 9:45 a. m. in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-4822; Filed, May 26, 1942;  
9:19 a. m.]

## FOREIGN-TRADE ZONES BOARD.

APPLICATION OF HARRIS COUNTY HOUSTON  
SHIP CHANNEL NAVIGATION DISTRICT

### NOTICE OF HEARING

Pursuant to the provisions of the Act approved June 18, 1934, (19 U.S.C. Sec. 81-a-81-u) and the regulations issued thereunder, a public hearing will be held by an Examiners' Committee at 10:00 a. m. (central war time) on Thursday, June 4, 1942, in Room 409 Federal Office Building, Franklin and Fannin Streets, Houston, Texas, on the application of The Harris County Houston Ship Channel Navigation District, for a grant to establish a foreign-trade zone at Houston, Texas.

General plans showing the location of the project may be examined at the office of the Examiners' Committee, at the above address, or at the office of the Executive Secretary of the Foreign-Trade

Zones Board, Room 2323, Department of Commerce Building, Washington, D. C.  
Dated: May 25, 1942.

[SEAL] WALTER S. ABERNATHY,  
Acting Executive Secretary.

[F. R. Doc. 42-4875; Filed, May 26, 1942;  
11:33 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Docket No. 3122-8]

SOLID FUELS DELIVERED FROM FACILITIES  
OTHER THAN PRODUCING FACILITIES—  
DEALERS

GRANTING EXCEPTION TO GEO. B. NEWTON  
COAL CO.

Order No. 1 Under Maximum Price  
Regulation 122<sup>1</sup>

On May 22, 1942, Geo. B. Newton Coal Co. filed a petition pursuant to § 1340.257 of Maximum Price Regulation No. 122. Due consideration has been given to the petition, and an Opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered:

(a) Geo. B. Newton Coal Co., 53rd Street and Baltimore Avenue, Philadelphia, Pennsylvania, may sell and deliver, agree and offer to sell and deliver to the Board of Public Education of the School District of Philadelphia, Pennsylvania, the sizes of Pennsylvania anthracite set forth in paragraph (b) below, at prices not in excess of those stated therein. The Board of Public Education of the School District of Philadelphia, Pennsylvania may buy and receive, agree and offer to buy and receive such sizes of Pennsylvania anthracite at such prices from Geo. B. Newton Coal Co.

(b) The maximum prices for the sale of Pennsylvania anthracite by the Geo. B. Newton Coal Co. to the Board of Public Education of the School District of Philadelphia, Pennsylvania shall be the prices specified in a contract entered into between such persons in June 1941, plus not more than the following amounts per net ton:

Size	Amount
Domestic:	
E2S	\$.603
Fca	1.003
Steam:	
No. 1 Buckwheat	\$.363
Rice (No 2 Buckwheat)	.323

(c) This Order No. 1 may be revoked or amended by the Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in

<sup>1</sup> 7 F.R. 3239.



§ 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein.

(f) This Order No. 1 shall become effective May 25, 1942.

(Pub. law 421, 77th Cong.)

Issued this 25th day of May, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-4821; Filed, May 25, 1942;  
5:09 p. m.]

[Order 4 Under Maximum Price Regulation  
120]

**BITUMINOUS COAL DELIVERED FROM MINE  
OR PREPARATION PLANT**

**ORDER GRANTING EXCEPTIONS TO CERTAIN  
TRUCK MINES IN DISTRICT 10**

Upon the basis of representations made by the Bituminous Coal Producers Board for District No. 10 and several bituminous coal producers in District 10, a study was made of data on file with the Bituminous Coal Division of the United States Department of the Interior for the purpose of determining whether certain truck mines in that district are eligible for exception from the maximum prices provided in Maximum Price Regulation No. 120,<sup>1</sup> under the provisions of § 1340.207 (a) of that Regulation. Due consideration has been given to the information thus obtained and an opinion in support of this Order No. 4 has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

(a) The several producers in various sections in District No. 10, set forth in paragraph (b) below, may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver by truck or wagon the kinds and grades of bituminous coal from their mines, described in said paragraph (b), at prices f. o. b. the mine not in excess of those stated therein for shipment by truck or wagon. Any person may buy and receive and agree, offer, solicit, and attempt to buy and receive such kinds and grades of bituminous coal delivered from said mines for shipment by truck or wagon at such prices from the several producers.

(b) (1) *Section 1.* (i) The Norris Coal and Mining Company may charge prices not to exceed \$3.15 per ton for coals in Size Group 11 from its mine (Mine Index No. 503).

(ii) Wilmington Coal Mining Corp. may charge prices not to exceed \$3.50 per ton for coals in Size Group 11, and \$2.45 per ton in Size Group 14, from its mine (Mine Index No. 515).

(2) *Section 2.* (i) W. G. Sutton may charge prices not to exceed \$5.75 per ton for coals in Size Group 2, \$5.50 per

ton in Size Group 5, \$4.50 per ton in Size Group 6, \$4.00 per ton in Size Group 10, and \$4.50 per ton in Size Group 11, from his mine (Mine Index No. 98).

(ii) The Peru Deep Vein Coal Company may charge prices not to exceed \$4.25 per ton for coals in Size Group 1, \$4.30 per ton in Size Group 3, \$2.65 per ton in Size Group 14, and \$3.30 per ton in Size Group 19, from its mine (Mine Index No. 73).

(iii) The Union Coal Company may charge prices not to exceed \$4.20 per ton for coals in Size Group 1, \$4.35 per ton in Size Group 3, and \$3.00 per ton in Size Group 19, from its mine (Mine Index No. 175).

(iv) The Spring Valley Coal Mining Company may charge prices not to exceed \$4.45 per ton for coals in Size Group 1, \$4.25 per ton in Size Group 3, and \$2.80 per ton in Size Group 11, from its mine (Mine Index No. 164).

(v) Longview Coal Company, Inc., may charge prices not to exceed \$3.80 per ton for coals in Size Group 6 from its mine (Mine Index No. 574).

(3) *Section 3.* (i) The Thermal Coal Company may charge prices not to exceed \$4.10 per ton for coals in Size Group 1, \$3.60 per ton in Size Group 3, \$3.10 per ton in Size Group 7, and \$2.40 per ton in Size Group 11, from its mine (Mine Index No. 612).

(ii) The Warner Coal Company may charge prices not to exceed \$4.35 per ton for coals in Size Group 3, \$3.15 per ton in Size Group 6, and \$2.75 per ton in Size Group 11, from its mine (Mine Index No. 586).

(iii) The Knoxville Coal Company may charge prices not to exceed \$4.10 per ton for coals in Size Group 1, \$3.50 per ton in Size Group 3, \$2.50 per ton in Size Group 8, and \$2.65 per ton in Size Group 11, from its mine (Mine Index No. 598).

(iv) Mielke Bros. (R. F. Mielke), may charge prices not to exceed \$4.00 per ton for coals in Size Group 3, \$3.40 per ton in Size Group 7, and \$2.50 per ton in Size Group 8, from its mine (Mine Index No. 575).

(v) Mielke Brothers may charge prices not to exceed \$4.00 per ton for coals in Size Group 3, and \$2.95 per ton in Size Group 7, from their mine (Mine Index No. 640).

(vi) Burgos-White Coal Company may charge prices not to exceed \$3.95 per ton for coals in Size Group 1, \$3.50 per ton in Size Group 3, and \$2.60 per ton in Size Group 12, from its mine (Mine Index No. 1).

(vii) Little John Coal Company may charge prices not to exceed \$3.00 per ton for coals in Size Group 20, and \$2.75 per ton in Size Group 24, from its mine (Mine Index No. 84).

(4) *Section 4.* (i) Edward Mohn and Son may charge prices not to exceed \$3.35 per ton for coals in Size Group 1, \$2.65 per ton in Size Group 8, and \$2.75 per ton in Size Group 11, from their mine (Mine Index No. 971).

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.-

208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 4 shall become effective May 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of May 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-4883; Filed, May 26, 1942;  
11:48 a. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

SCOTT MCINTYRE & Co.

**ORDER REVOKING REGISTRATION AND EXPELLING REGISTRANT FROM NATIONAL SECURITIES ASSOCIATION**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of May, A. D. 1942.

In the matter of Scott McIntyre & Company, Merchants National Bank Building, Cedar Rapids, Iowa, (Securities Exchange Act of 1934—Sections 15 (b) and 15A (1) (2)).

Proceedings having been instituted pursuant to an order of the Commission to determine whether the registration of Scott McIntyre & Company as an over-the-counter broker-dealer should be revoked and whether Scott McIntyre & Company should be suspended for a period not exceeding twelve months or expelled from the National Association of Securities Dealers, Inc.; and the Commission having this day issued its findings and opinion;

*It is ordered,* On the basis of said findings and opinion, that the registration of Scott McIntyre & Company as an over-the-counter broker-dealer be, and it hereby is, revoked; and

*It is further ordered,* That Scott McIntyre & Company be, and it hereby is, expelled from membership in the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-4823; Filed, May 26, 1942;  
9:19 a. m.]

[File No. 70-516]

**THE CENTRAL KANSAS POWER COMPANY**

**ORDER PERMITTING WITHDRAWAL OF  
DECLARATION**

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of May, 1942.

The Central Kansas Power Company, a subsidiary company of United Utilities, Inc., a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12 promulgated thereunder regarding the redemption of 1,000 shares of its 4¼% Cumulative Preferred Stock at the price

<sup>1</sup> 7 FR. 3168, 3447.

<sup>2</sup> 7 FR. 971.



of \$105 per share, plus accrued dividends thereon to the date of redemption:

Notice regarding the filing of said declaration subject to Rule U-23 having been issued by the Commission on March 23, 1942; and

Declarant having requested that the effective date of said declaration be postponed pending Declarant's attempt to secure its bondholders' approval of the proposed redemption, and, subsequent thereto, having requested that said declaration be withdrawn;

*It is ordered, That The Central Kansas Power Company be and hereby is permitted to withdraw said declaration.*

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-4824; Filed, May 26, 1942;  
9:19 a. m.]

[File No. 1-3054]

DURHAM MANUFACTURING COMPANY \$1 PAR  
COMMON STOCK

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22nd day of May, A. D. 1942.

The Durham Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its \$1 Par Common Stock from listing and registration on the Detroit Stock Exchange; and

The Commission having ordered that a hearing be held in this matter on Thursday, May 28, 1942 in Philadelphia, Pennsylvania; and

No. 103—6

Counsel for the Commission having requested a postponement of said hearing.

*It is ordered, That the matter be set down for hearing at 11 a. m. Wednesday, June 17, 1942, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and*

*It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.*

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-4825; Filed, May 20, 1942; 9:19  
a. m.]

[File No. 70-542]

FLORIDA POWER CORPORATION AND GENERAL  
GAS & ELECTRIC CORPORATION

ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of May, A. D. 1942.

General Gas & Electric Corporation, a registered holding company, and its subsidiary, Florida Power Corporation, having filed declarations pursuant to the

Public Utility Holding Company Act of 1935, particularly section 12 thereof, and Rule U-44 thereunder, regarding the sale of utility assets by Florida Power Corporation, consisting of electric distribution lines and facilities and other properties of Florida Power Corporation, situated in the Counties of Gadsden and Leon, Florida, to Talquin Electric Cooperative, Inc., a rural cooperative association organized under the laws of the State of Florida for a cash consideration of \$128,599.19; and

Said declaration by Florida Power Corporation having been filed on May 4, 1942, and said declaration by General Gas and Electric Corporation having been filed on May 7, 1942, and certain amendments having been filed thereto, the last of said amendments having been filed on May 19, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interests of investors and consumers to permit said declarations pursuant to Rule U-44 to become effective.

*It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be and hereby are permitted to become effective.*

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-4828; Filed, May 26, 1942;  
9:20 a. m.]



